

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATIONS 49080,) 49081, 49082, 49083 AND 49084 FILED TO CHANGE THE PLACE OF USE OF THE WATERS OF AN UNDERGROUND SOURCE) HERETOFORE APPROPRIATED UNDER) PERMITS 39983, 30247, 30246, 30245 AND) 30244, RESPECTIVELY, IN THE PANACA) VALLEY DESIGNATED GROUND WATER) BASIN, LINCOLN COUNTY, NEVADA.)

RULING

GENERAL

Application 49080 was filed on May 23, 1985, by Wayne M. Turner to change the place of use of 3.34 c.f.s. of water from an underground source heretofore appropriated under Permit 39983. The proposed use is for irrigation purposes on 640 acres of land within the W1/2 SW1/4 Section 13; NE1/4, E1/2 SE1/4 Section 14; NE1/4 SE1/4, E1/2 NE1/4 Section 23; NW1/4 Section 24, T.2S., R.67E., M.D.B.&M. The existing point of diversion is described as being within the NW1/4 SW1/4 Section 13, T.2S., R.67E., M.D.B.&M. The existing place of use is 360 acres within the SE1/4 SW1/4, W1/2 SW1/4 Section 13; E1/2 SE1/4 Section 14; NW1/4 Section 24, T.2S., R.67E., M.D.B.&M.¹

Application 49081 was filed on May 23, 1985, by Wayne M. Turner to change the place of use of 3.34 c.f.s. of water from an underground source heretofore appropriated under Permit 30247. The proposed use is for irrigation purposes on 640 acres of land within the W1/2 SW1/4 Section 13; NE1/4, E1/2 SE1/4 Section 14; NE1/4 SE1/4, E1/2 NE1/4 Section 23; NW1/4 Section 24, T.2S., R.67E., M.D.B.&M. The existing point of diversion is described as being within the NE1/4 SE1/4 Section 14, T.2S., R.67E., M.D.B.&M. The existing place of use is 640 acres within the SE1/4 SW1/4, W1/2 SW1/4 Section 13; N1/2 NW1/4, E1/2 SE1/4, NE1/4 Section 14; SE1/4 NE1/4 Section 23; NW1/4 Section 24, T.2S., R.67E., M.D.B.&M.¹

Application 49082 was filed on May 23, 1985, by Wayne M. Turner to change the place of use of 3.34 c.f.s. of water from an underground source heretofore appropriated under Permit 30246. The proposed use is for irrigation purposes on 640 acres of land within the W1/2 SW1/4 Section 13; NE1/4, E1/2 SE1/4 Section 14; NE1/4 SE1/4, E1/2 NE1/4 Section 23; NW1/4 Section 24, T.2S., R.67E., M.D.B.&M. The existing point of diversion is described as being within the SW1/4 SW1/4 Section 13, T.2S., R.67E., M.D.B.&M. The existing place of use is 640 acres within the SE1/4 SW1/4, W1/2 SW1/4 Section 13; N1/2 NW1/4, E1/2 SE1/4, NE1/4 Section 14; SE1/4 NE1/4 Section 23; NW1/4 Section 24, T.2S., R.67E., M.D.B.&M.¹

¹ Public record in the office of the State Engineer.

Application 49083 was filed on May 23, 1985, by Wayne M. Turner to change the place of use of 3.34 c.f.s. of water from an underground source heretofore appropriated under Permit 30245. The proposed use is for irrigation purposes on 640 acres of land within the W1/2 SW1/4 Section 13; NE1/4, E1/2 SE1/4 Section 14; NE1/4 SE1/4, E1/2 NE1/4 Section 23; NW1/4 Section 24, T.2S., R.67E., M.D.B.&M. The existing point of diversion is described as being within the NW1/4 NW1/4 Section 24, T.2S., R.67E., M.D.B.&M. The existing place of use is 640 acres within the SE1/4 SW1/4, W1/2 SW1/4 Section 13; N1/2 NW1/4, E1/2 SE1/4, NE1/4 Section 14; SE1/4 NE1/4 Section 23; NW1/4 Section 24, T.2S., R.67E., M.D.B.&M.¹

Application 49084 was filed on May 23, 1985, by Wayne M. Turner to change the place of use of 3.34 c.f.s. of water from an underground source heretofore appropriated under Permit 30244. The proposed use is for irrigation purposes on 640 acres of land within the W1/2 SW1/4 Section 13; NE1/4, E1/2 SE1/4 Section 14; NE1/4 SE1/4, E1/2 NE1/4 Section 23; NW1/4 Section 24, T.2S., R.67E., M.D.B.&M. The existing point of diversion is described as being within the SE1/4 NW1/4 Section 24, T.2S., R.67E., M.D.B.&M. The existing place of use is 640 acres within the SE1/4 SW1/4, W1/2 SW1/4 Section 13; N1/2 NW1/4, E1/2 SE1/4, NE1/4 Section 14; SE1/4 NE1/4 Section 23; NW1/4 Section 24, T.2S., R.67E., M.D.B.&M.¹

Water Resources Reconnaissance Series Report 27, "Ground-Water Appraisal of the Meadow Valley Area, Lincoln and Clark Counties, Nevada", by F. Eugene Rush, Geologist, was prepared cooperatively by the Nevada Department of Conservation and Natural Resources, Division of Water Resources, and the U.S. Department of the Interior, Geological Survey. This report is available for review in the office of the State Engineer.

Water Resources Bulletin No. 7, "Geology and Ground Water in the Meadow Valley Wash Drainage Area, Nevada, Above the Vicinity of Caliente", by David A. Phoenix and others, was prepared cooperatively by the State of Nevada, office of the State Engineer, and the U.S. Department of the Interior, Geological Survey. This report is available for review in the office of the State Engineer.

Panaca Valley is one of eight valleys in southeastern Nevada which are all a part of the Colorado River drainage system known as the Meadow Valley Area.

FINDINGS OF FACT

I.

By Order dated January 17, 1980, the State Engineer designated and described the Panaca Valley Ground Water Basin as a ground water basin in need of additional administration under the provisions of NRS Chapter 534.²

² Public record in the office of the State Engineer. See Order No. 734.

II.

The Panaca Valley is part of a drainage system which includes seven other basins. The basins in this drainage system include Patterson, Spring, Eagle, Dry, Rose, Panaca, Clover, and Lower Meadow Valley. These basins, in downstream order, are hydrologically interrelated and therefore development of the ground water resource in one valley may intercept the supply of water that would reach the next valley down gradient. Therefore, consideration is given to the perennial yield of the entire drainage area. The preliminary perennial yield of the area is considered to be approximately 25,000 acre-feet.³

III.

Existing certificated and permitted ground water rights in the Panaca Valley Ground Water Basin total over 28,000 acre-feet per year. The existing certificated and permitted ground water rights in Patterson, Spring, Eagle, Dry, Rose, Clover Valleys, and Lower Meadow Valley Wash total over 28,000 acre-feet per year. Thus the total existing water rights in the drainage system exceed 50,000 acre-feet per year.¹

IV.

The perennial yield of a ground water reservoir may be defined as the maximum amount of water of usable chemical quality that can be withdrawn and consumed economically each year for an indefinite period of time. If the perennial yield is continually exceeded, water levels will decline until the ground water reservoir is depleted of water of usable quality or until the pumping lifts become uneconomical to maintain.⁴

V.

Ground water pumpage within Panaca Valley amounted to an estimated total of 13,552 acre-feet in 1982, 11,183 acre-feet in 1983, and 7,212 acre-feet in 1984, determined by pumpage inventories conducted by the office of the State Engineer.¹

VI.

Records and information available to the State Engineer indicate that Applications 49080, 49081, 49082, 49083 and 49084 were filed in support of Desert Land Entry applications. The proposed place of use under Applications 49080, 49081, 49082, 49083 and 49084 includes public land located within the NE1/4 NE1/4 and NE1/4 SE1/4 Section 23, T.2S., R.67E., M.D.B.&M.¹

³ Water Resources-Reconnaissance Series Report 27, p. 26.

⁴ Water Supply Paper 1832, p. 39, U.S. Geological Survey; NRS 534.110(4).

VII.

By letter dated November 4, 1985, the United States Department of Interior, Bureau of Land Management, notified the State Engineer that the following Desert Land Entry Applications had been closed and the case files are dead.⁵

<u>BLM ENTRY NO.</u>	<u>NAME</u>	<u>LAND DESCRIPTION</u>
N-23630	Janice A. Turner	T.2S., R.67E., Sec's. 14 and 23
N-23631	Wayne M. Turner	T.2S., R.67E., Sec's. 14, 23 and 24.

VIII.

The Bureau of Land Management's classification decision of March 25, 1985, to deny entry was based, in part, upon the information stated in Findings II and III.⁵

IX.

The existing place of use under Applications 49080, 49081, 49082, 49083 and 49084 was reduced to a total of 555.04 acres of land by a Relinquishment Quitclaim Deed dedicating 84.96 acres of water right from Wayne M. and Janice A. Turner to the State of Nevada on June 2, 1983.⁶

CONCLUSIONS

I.

The State Engineer has jurisdiction over the matter described herein.⁷

II.

Applications 49080, 49081, 49082, 49083 and 49084 were filed in support of Desert Land Entries. The Desert Land Entry applications described under II of Findings have been closed on the records of the Bureau of Land Management, therefore, the applicant does not own or control the land described under that portion of the place of use under the applications and cannot demonstrate the ability to place the water to beneficial use.

III.

To grant applications to appropriate the public waters for irrigation on lands the applicant does not own or control or where the applicant cannot demonstrate the ability to place the water to beneficial use, would not be in the public interest and welfare.

⁵ Public record in the office of the State Engineer under Applications 49080, 49081, 49082, 49083 and 49084.

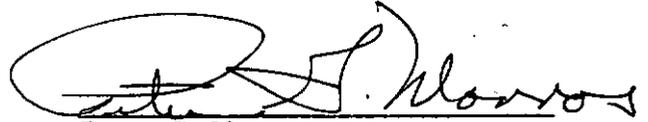
⁶ Public record in the office of the State Engineer. See Permit 30244.

⁷ NRS Chapters 533 and 534.

RULING

Applications 49080, 49081, 49082, 49083 and 49084 are herewith denied on the grounds that to grant the applications for irrigation purposes on lands that the applicant does not own or control and cannot demonstrate the ability to place the water to beneficial use, would not be in the public interest and welfare.

Respectfully submitted,



Peter G. Morros
State Engineer

PGM/SHF/bl

Dated this 19th day of
June, 1986.