

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATION 55421)
FILED TO APPROPRIATE WATER FROM AN)
UNDERGROUND SOURCE IN THREE LAKES)
VALLEY - SOUTHERN PART, CLARK)
COUNTY, NEVADA.)

RULING
#3791

FINDINGS OF FACT

I.

Application 55421 was filed by State of Nevada - State Lands/Department of Prisons on October 29, 1990, to appropriate 0.16 c.f.s. of underground water for quasi-municipal and domestic purposes. The proposed point of diversion is within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 33, T.16S., R.57E., M.D.B.&M., and the proposed place of use is within Section 33, T.16S., R.57E., M.D.B.&M. The annual duty requested under Application 55421 is 37.74 million gallons annually (115.82 acre-feet annually) for use at the Southern Desert Correctional Center and Indian Springs Conservation Camp.¹

II.

The point of diversion of Application 55421 lies within the Three Lakes Valley - Southern Part Groundwater Basin.¹ The Three Lakes Valley - Southern Part Groundwater Basin is part of the Ash Meadows Groundwater System.²

III.

On January 31, 1991, the United States Department of Interior National Park Service timely protested the granting of a permit under Application 55421 for the reasons stated on Exhibit A and specimen copy of protest and requested that the application be denied.³

¹ Public record in the office of the State Engineer under 55421.

² Water Resources Reconnaissance Series Report 54, Regional Ground-Water Systems in the Nevada Test Site Area, Nye, Lincoln, and Clark Counties, Nevada, by F. Eugene Rush, 1970, p. 9 Table 2 (hereinafter referred to as Water Resources Reconnaissance Review Report 54).

³ The complete protest is with 55421 in the office of the State Engineer.

IV.

The State Engineer finds that Permit 38655 was issued on May 28, 1980 and Certificate 12656 was issued for Permit 38655 on February 22, 1991 for 0.4 c.f.s. but not to exceed 66.0 million gallons annually for use as the Southern Desert Correctional Center and Indian Springs Conservation Camp.⁴

V.

The State Engineer finds that Permit 42636 was issued on February 26, 1981 to change the point of diversion, manner and place of use of Permit 38656. Certificate 11635 was issued for Permit 42636 on December 29, 1986 for 0.28 c.f.s. but not to exceed 0.277 million gallons annually for use as the Southern Desert Correctional Center and Indian Springs Conservation Camp.⁵

VI.

The State Engineer finds that the estimated average annual recharge from precipitation in Three Lakes Valley - Southern Part is 6,000 acre-feet.⁶

VII.

The State Engineer finds that the groundwater budget for the Ash Meadows and Pahute Mesa Regional Groundwater Systems has an estimated average annual groundwater recharge of 33,000 acre-feet and 12,000 acre-feet, respectively, and an estimated average annual groundwater discharge of 17,000 acre-feet and 9,000 acre feet, respectively.⁷ The imbalance between recharge and total discharge is in excess of 19,000 acre-feet. This excess may reflect errors in the estimates but a substantial part may be accounted for by subsurface flow to Death Valley.⁷

⁴ Public record in the office of the State Engineer under 38655.

⁵ Public record in the office of the State Engineer under 42636.

⁶ Water Resources - Reconnaissance Series Report No. 54, Pg. 14, Table 3.

⁷ Water Resources - Reconnaissance Series Report No. 54, Pg. 18.

VIII.

The State Engineer issued Order No. 745 May 28, 1980, in regard to Three Lakes Valley - Southern Part as a basin in which conditions warranted designation.

IX.

The State Engineer finds that other than those rights set forth in Findings of Fact IV. and V. there are no other groundwater rights within this basin of record in the office of the State Engineer. Therefore, the State Engineer finds that unappropriated water exists at the source to satisfy the amount of water requested to be appropriated under Application 55421. The State Engineer further finds that no existing rights will be affected by the amount of water requested to be appropriated under Application 55421.⁸

CONCLUSIONS

I.

The State Engineer has jurisdiction of the parties and the subject matter of this action.⁹

II.

The State Engineer is prohibited by law from granting a permit where:

- A. There is no unappropriated water at the proposed source, or
- B. The proposed use conflicts with existing rights, or
- C. The proposed use threatens to prove detrimental to the public welfare.¹⁰

⁸ Records in the office of the State Engineer.

⁹ NRS 533 and 534.

¹⁰ NRS 533.370 Subsection 3.

III.

The State Engineer may declare preferred uses in the public interest within a designated groundwater basin.¹¹

The State Engineer concludes that it is appropriate and in the public interest to declare penal institutions use a preferred use within the Three Lakes Ground Water Basin.

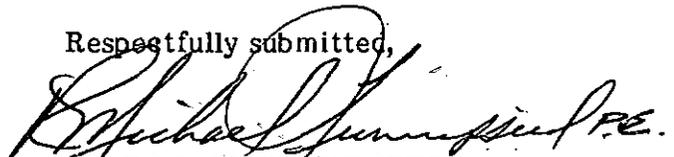
IV.

The amount of water requested for appropriation under Application 55421 (115.82 acre-feet annually) is de minimis when compared to the subsurface outflow to Death Valley and the State Engineer concludes that the approval of Application 55421 will not impair existing rights.

RULING

The protest of the National Park Service to the granting of Application 55421 is herewith overruled. Application 55421 will be approved as a preferred use upon receipt of the statutory permit fee.

Respectfully submitted,


R. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/TEG/bk

Dated this 2nd day of

April, 1991.

¹¹ NRS 534.120, Subsection 2.

1 Q. As a supplemental source?

2 A. I think they are documented that way. As a
3 supplemental source, I don't believe they were.

4 Q. I didn't follow you.

5 A. They are filed that way. I'm not sure. I haven't
6 had the property that long, but the previous owner may have
7 used it.

8 Q. But that's the basis of the permit?

9 A. Yes.

10 MR. PELCYGER: Thank you.

11 THE HEARING OFFICER: With that then, the
12 evidentiary portion of the hearing will be closed on
13 Application Number 53894.

14 The application will be approved subject to prior
15 rights, subject to the agreement of the payment of the
16 statutory filing fees, subject to the total combined duty of
17 4.5 acre feet per acre from any each and all sources.

18 That hearing will be closed on Application 53894.

19 (Whereupon the foregoing was concluded.)
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