

IN THE OFFICE OF THE STATE ENGINEER
IN THE STATE OF NEVADA

IN THE MATTER OF APPLICATION 51916)
FILED TO CHANGE THE POINT OF)
DIVERSION AND PLACE OF USE OF THE)
WATER OF AN UNDERGROUND SOURCE)
HERETOFORE APPROPRIATED UNDER PERMIT)
10409, IN THE LAS VEGAS ARTESIAN)
GROUND WATER BASIN, CLARK COUNTY,)
NEVADA.)

RULING

3803

FINDINGS OF FACT

I.

Application 51916 was filed March 11, 1988 by Las Vegas Mortgage Company to change the point of diversion and place of use of 0.023 c.f.s., but limited to 16.8 acre-feet, of underground water, as evidenced by a portion of Permit 10409, Certificate 2779. The water would be used for irrigation and domestic purposes. The proposed point of diversion is described as being within the NE1/4 NE1/4 Section 1, T.21S., R.58E., M.D.B.&M.; and the proposed place of use, approximately 90 acres, is described as being the NE1/4 NE1/4 Section 1, T.21S., R.58E.; and the NW1/4 NW1/4 and part of the SW1/4 NW1/4 Section 6, T.21S., R.59E.¹

II.

The purposed point of diversion and place of use is within the Las Vegas area and is commonly known as the Calico Basin area. The Calico Ground Water Basin Reservoir is a part of the Las Vegas Artesian Basin.²

¹ Public record in the office of the State Engineer under Application 51916.

² Public record in the office of the State Engineer in Order No. 833. Hearing before the State Engineer, June 21, 1978, in regard to Applications 33989, 34932, and 34933, p. 1.

III.

On October 19, 1977 the State Engineer recommended disapproval of the 86 lot Red Rock Terrace Estates Tentative subdivision plat because of inadequate water quantity.³

IV.

A hearing was held on June 21, 1978, before the State Engineer with regards to Applications 34932 and 34933 filed in support of Red Rock Terrace Estates. In Ruling No. 2384, dated August 2, 1978, the State Engineer denied Applications 34932 and 34933 on the grounds that the granting of additional water rights from the Calico Ground Water Basin would conflict with existing rights and threaten to prove detrimental to the public welfare.⁴

V.

The principal ground water reservoir in Calico Basin is alluvial fill or unconsolidated material that accumulated in the basin.⁵

VI.

The State Engineer finds that there is very little recharge from precipitation to the alluvial fill ground water reservoir in Calico Basin because of the limited precipitation, low elevation, and small watershed area.⁶

VII.

The limited data available indicates a lowering of the water table by the existing users.⁶

³ Public record in the office of the State Engineer under Subdivision Review No. 875 T.

⁴ Hearing before the State Engineer, June 21, 1978, in regard to Applications 33989, 34932 and 34933. Public record in the office of the State Engineer under Applications 34932 and 34933 and Ruling No. 2384.

⁵ Hearing Transcript of June 21, 1978, p. 75, 85.

⁶ Hearing Transcript of June 21, 1978, p. 69. 70.

VIII.

Approximately 20 residences have developed domestic water supplies from groundwater in Calico Basin. The quality and/or quantity of some of these water supplies are at best marginally suitable for domestic use.⁷

IX.

The State Engineer finds that there are residential lots in Calico Basin on which no homes have been built and the development of these existing subdivided lots would cause an additional draught on the ground water reservoir.⁸

X.

The State Engineer finds that there are existing water rights on springs in Calico Basin in the form of permits and certificates, and consumptive use results in a smaller proportion of spring flow recharging the ground water reservoir.⁹

XI.

On January 22, 1988, the State Engineer recommended disapproval of the 17 lot Red Rock Springs Unit No. 1 tentative subdivision plat because of inadequate water quantity.¹⁰ The subdivision proposed water supply from individual domestic wells.

⁷ Hearing Transcript of June 21, 1978, p. 29, 65, 70, 76.

⁸ Hearing Transcript of June 21, 1978, p. 69. Public record in the office of the State Engineer, under Permit 33989.

⁹ Public record in the office of the State Engineer, under Permit 30540, Certificate 10028; Permit 30541, Certificate 10029.

¹⁰ Public record in the office of the State Engineer Subdivision Review No. 3440 T.

XII.

The State Engineer finds that the proposed point of diversion of Application 51916 is an existing well at the same location as the point of diversion for the denied Application 34933, and that the proposed place of use of Application 51619 is entirely within the disapproved Red Rock Terrace Estates tentative subdivision which was to be served by the denied Applications 34932 and 34933.¹¹

XIII.

The State Engineer finds that the proposed place of use of Application 51516 also includes a part of the disapproved Red Rock Springs Unit No. 1 tentative subdivision.¹²

CONCLUSIONS

I.

The State Engineer has jurisdiction of the parties and the subject matter of this action.¹³

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.¹⁴

¹¹ Public record in the office of the State Engineer under Applications 51916, 34932, 34933 and Subdivision Review No. 875 T.

¹² Public record in the office of the State Engineer under Application 51916 and Subdivision Review No. 3440 T.

¹³ NRS 533.025 and 533.030, subsection 1.

¹⁴ NRS 533.370, subsection 3.

III.

The State Engineer concludes that the Calico Basin spring system and the alluvial fill ground water reservoir are interconnected. Water rights on springs and use of the ground water reservoir by domestic wells exceed the estimated recharge to this ground water reservoir. The potential exists for additional domestic wells on already subdivided lots in the area.

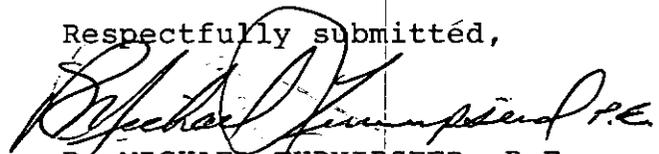
IV.

The evidence indicates that underlying consolidated formations cannot provide an adequate water supply for additional development. To grant additional water pumpage from the Calico Ground Water Basin by changing the point of diversion under the subject application would overcommit this limited natural resource, conflict with existing rights, and threaten to prove detrimental to the public welfare.

RULING

Application 51916 is denied on the grounds that moving water rights into the Calico Ground Water Basin would conflict with existing rights and threaten to prove detrimental to the public welfare.

Respectfully submitted,


R. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/CAB/pm

Dated this 29th day of

May, 1991

BOB MILLER
Governor

STATE OF NEVADA

PETER G. MORROS
Director

R. MICHAEL TURNIPSEED, P.E.
State Engineer



DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES

Capitol Complex
123 W. Nye Lane
Carson City, Nevada 89710
(702) 687-4380

36318
Recision in Part of Ruling #3802

June 5, 1991

Winnemucca Farms, Inc.
Attn: A.J. Evans
P.O. Box 312
Winnemucca, Nevada 89445
Certified Mail No. P 397 131 652

Dear Mr. Evans:

This will hereby give notice of the recision of that part of Ruling #3802 in the matter of Permit 36318, Certificate 9613 in the name of Winnemucca Farms, more specifically:

"The well under now rescinded Permit 36318 Certificate 9613 must be plugged within (90) days according to NAC 534.420 and a well log describing the plugging operations must be submitted."

Sincerely,

A handwritten signature in dark ink, appearing to read "R. Michael Turnipseed, P.E.", written over a horizontal line.

R. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/bk