

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

IN THE MATTER OF APPLICATIONS 58031 AND)
58032 FILED TO CHANGE THE POINT OF)
DIVERSION OF THE WATER OF AN UNDERGROUND)
SOURCE HERETOFORE APPROPRIATED UNDER)
PERMITS 55270 AND 55271, RESPECTIVELY,)
IN THE BLACK MOUNTAINS AREA GROUND WATER)
BASIN, CLARK COUNTY, NEVADA.)

RULING

3950

GENERAL

I.

Application 58031 was filed August 31, 1992 by Nevada Cogeneration Associates No. 1 and 2 to change the point of diversion of 1.15 c.f.s. (cubic feet per second), not to exceed 832.57 acre-feet annually, heretofore appropriated under Permit 55270. The water is to be used for industrial (cogeneration power plant) purposes within parts of the SW1/4 NW1/4, NW1/4 SW1/4, and NE1/4 SW1/4 Section 7, T.20S., R.64E., M.D.B.&M., (Black Mountains Area), and within parts of the SE1/4 NE1/4 and SW1/4 NE1/4 Section 34, T.18S., R.63E., M.D.B.&M., (Garnet Valley Area). The proposed point of diversion is within the NE1/4 SE1/4 Section 13, and the permitted point of diversion is in the NW1/4 NE1/4 Section 13, both in T.19S., R.63E., M.D.B.&M.¹ The date of priority of Application 58031 and Permit 55270 shall remain October 30, 1989, the same as the filing date of Permit 54129.¹

Application 58031 was timely protested February 12, 1993 by the Las Vegas Valley Water District for the following reasons and on the following grounds:

The Las Vegas Valley Water District (District) owns certain water rights in Las Vegas Valley and has applications pending in Garnet Valley. This application of 1.15 cfs, if granted, would potentially adversely

¹ Public record in the office of the State Engineer, Application 58031, Permit 55270 and Permit 54129.

impact the ground-water system in Las Vegas Valley and Garnet Valley.

Therefore the protestant requests that the application be denied.¹

II.

Application 58032 was filed August 31, 1992 by Nevada Cogeneration Associates No. 1 and 2 to change the point of diversion of 2.3 c.f.s., not to exceed 1665 acre-feet annually, heretofore appropriated under Permit 55271. The water is to be used for industrial (cogeneration power plant) purposes. The proposed place of use is the same as that of Application 58031. The proposed point of diversion is described as being within the NE1/4 SE1/4 Section 13, and the permitted point of diversion is in the SW1/4 SE1/4 Section 13, both in T.19S., R.63E., M.D.B.&M.² The date of priority of Application 58032 shall remain September 13, 1990, the same as the filing date of Permit 55271.²

Application 58032 was timely protested February 12, 1993 by the Las Vegas Valley Water District for the following reasons and on the following grounds:

The Las Vegas Valley Water District (District) owns certain water rights in Las Vegas Valley and has applications pending in Garnet Valley. This application of 2.3 cfs, if granted, would potentially adversely impact the ground-water system in Las Vegas Valley and Garnet Valley.

Therefore the protestant requests that the application be denied.²

FINDINGS OF FACT

I.

Applications 58031 and 58032 are applications for permits to

² Public record in the office of the State Engineer, Application 58032 and Permit 55271.

change water that has been previously appropriated from the Black Mountains Area Ground Water Basin under Permits 55270 and 55271, respectively. Permit 55270 and 55271 are supplemental to each other as well as to Permit 55269 with a total combined duty not to exceed 1665 acre-feet annually.^{1,2,3}

II.

The State Engineer finds that the point of diversion of Application 58031 and 58032 are within the Black Mountains Area Ground Water Basin.⁴

III.

The State Engineer finds that Applications 58031 and 58032 have places of use both within the Black Mountains Area Ground Water Basin and the Garnet Valley Ground Water Basin.⁴

IV.

The State Engineer finds that the protestant, Las Vegas Valley Water District, does not have any pending applications, existing permits or certificates for water rights on file in his office in the Black Mountains Area Ground Water Basin.⁵

V.

The State Engineer finds that the protestant, Las Vegas Valley Water District, has one pending application to appropriate ground water, Application 54073 filed October 17, 1989, and no existing permits or certificates on file in his office in the Garnet Valley

³ Public record in the office of the State Engineer, Permit 55269.

⁴ Public record in the office of the State Engineer, Designated Ground Water Basins of Nevada Map.

⁵ Public record in the office of the State Engineer, Hydrographic Basin Abstract 13-215.

Ground Water Basin.^{6,7}

VI.

The State Engineer finds that the Black Mountains Area Ground Water Basin receives less than 100 acre-feet per year recharge from precipitation and 400 acre-feet per year as inflow from the Las Vegas Wash and discharges as outflow less than 100 acre-feet per year to Lake Mead.^{8,9}

VII.

The State Engineer finds that the Garnet Valley Ground Water Basin receives 400 acre-feet per year recharge from precipitation and 400 acre-feet per year as inflow from the Hidden Valley Ground Water Basin, and discharges as outflow 800 acre-feet per year to the California Wash Ground Water Basin which discharges as outflow a minor amount of water to the Lower Moapa Valley and ultimately Lake Mead.^{8,9}

CONCLUSIONS

I.

The State Engineer has jurisdiction of the parties and the

⁶ Public record in the office of the State Engineer, Hydrographic Basin Abstract 13-216.

⁷ Public record in the office of the State Engineer, Application 54073.

⁸ Public record in the office of the State Engineer, Water Resources-Reconnaissance Series Report 50 titled Water-Resources Appraisal of the Lower Moapa-Lake Mead Area, Clark County, Nevada by F. Eugene Rush, prepared cooperatively by the Nevada Department of Conservation and Natural Resources, Division of Water Resources and the U.S. Department of Interior Geological Survey.

⁹ Public record in the office of the State Engineer, Nevada State Engineer's Office, Water for Nevada, Report No. 3.

subject matter of this action and determination.¹⁰

II.

The State Engineer is prohibited by law from granting a permit under an application to change the public waters where:

- A. The proposed use or change conflicts with existing rights, or
- B. The proposed use or change threatens to prove detrimental to the public interest.¹¹

III.

The State Engineer concludes that to issue permits for Applications 58031 and 58032 which propose to change the point of diversion of underground water already appropriated by existing permits within an area of one square mile would not conflict with existing rights or be detrimental to the public interest.

IV.

The State Engineer concludes that to approve these applications would not conflict with the protestant's water rights nor threaten to prove detrimental to the public interest.

V.

The State Engineer concludes that putting the water to beneficial use for power plant purposes is in the public interest.

RULING

The protests to Application 58031 and 58032 are hereby overruled on the grounds that the issuing of these permits would not interfere with existing rights nor threaten to be detrimental to the public interest. Permits for Applications 58031 and 58031 are hereby approved and issued subject to the following conditions:

¹⁰ NRS Chapters 533 and NRS 534.

¹¹ NRS Chapter 533.370 subsection 3.

1. Receipt of the statutory permit fees.
2. The wells drilled under permits issued for the applications shall have a 2 inch opening to allow the measurement of water levels in the well.
3. A totalizing meter must be installed and maintained in the discharge of each well. Accurate measurements must be kept by month and sent quarterly to the State Engineer within 10 days from the end of each quarter (March 31, June 30, September 30, and December 31 of each year).
Accurate measurements of all water diverted in the Black Mountains Area Ground Water Basin and to the Garnet Valley Ground Water Basin must be kept by month and reported as required above.
4. An acceptable program to monitor water levels in the area of all of the points of diversion must be submitted to the State Engineer within 30 days from the issuance of Permits 58031 and 58032. The data shall be collected under this monitoring program as long as diversions are made under Permits 58031 and 58032.
5. The existing well under Permits 55270 and 55271 shall be plugged as required by NAC 534.420 immediately upon completion of the new well.

Respectfully submitted,


R. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/CAB/pm

Dated this 5th day of
April, 1993.