

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

IN THE MATTER OF APPLICATION )  
61081 FILED TO APPROPRIATE THE )  
PUBLIC WATERS FROM AN UNDERGROUND )  
SOURCE WITHIN THE LOWER MEADOW )  
VALLEY WASH GROUNDWATER BASIN )  
(205), LINCOLN COUNTY, NEVADA )

RULING

**# 4304**

GENERAL

I.

Application 61081 was filed on March 28, 1995, by Kenneth D. Thompson to appropriate 0.05 cubic feet per second (cfs), not to exceed 3 acre-feet annually, of water from the underground waters of the Lower Meadow Valley Wash Groundwater Basin, Lincoln County, Nevada, for commercial purposes for use within N $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$  Section 2, T.5S., R.66E., M.D.B. & M.<sup>1</sup> The point of diversion is described as being located within the SW $\frac{1}{4}$ NW $\frac{1}{4}$  of said Section 2.

II.

Application 61081 was timely protested by the United States Department of Interior, National Park Service on the following grounds in summary:

- A. The public interest will not be served if water and water-related resources in the nationally important Lake Mead NRA ("National Recreation Area"), are diminished or impaired as a result of the appropriation proposed by this application, in combination with existing appropriations.
- B. If approved, the appropriation and diversion proposed by this application, in combination with existing appropriations, will eventually reduce the flow of the Muddy River. The NPS's senior water rights, water resources, and water-related resource attributes would thus be impaired. Such impacts are not in the public interest. Springs within Lake Mead NRA may be discharge areas for regional groundwater flow systems. The proposed

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<sup>1</sup> File No. 61081, official records of the Office of the State Engineer.

appropriation, in combination with existing appropriations, could impact springs, and associated water rights, water resources, and water-related resource attributes. Additional studies are being conducted by NPS to examine the origin and flow paths of water issuing from Lake Mead NRA springs.

- C. Lake Mead NRA has Nevada appropriative rights for Muddy Creek (River) which will be impaired by the appropriation and diversion proposed by this application, in combination with other existing appropriations. Appropriative water rights for Kelsey's Spring and Roger's Spring could also be impaired.
- D. Existing appropriations exceed the perennial yield of the Lower Meadow Valley Wash. Thus, there is no water available for appropriation in Lower Meadow Valley Wash.
- E. The Muddy River, its headwaters, tributaries, and sources of supply, including Lower Meadow Valley Wash are fully appropriated. Thus, there is no water available for appropriation in Lower Meadow Valley Wash.
- F. The effects of this application, when combined with existing applications and applications by the Las Vegas Valley Water District (LVVWD) upgradient from the Lake Mead NRA, will impair the senior water rights, water resources, and water-related resource attributes of Lake Mead NRA.

The NPS requested that the application be denied unless it could be reasonably demonstrated that the proposed appropriation (1) would consume water otherwise lost within Lower Meadow Valley Wash and (2) would not affect the outflow from Lower Meadow Valley Wash to the Muddy River.

### III.

Application 61081 was also timely protested by George Tennille on the following grounds:

This application is where vested water rights Proof #1262 and Proof #1704 are supplemental to each other for Irrigation, Domestic and Stockwater purposes. These

rights show my father, James Buchanan Tennille Jr. and James B. Tennille Jr. as the current owner of record and I am in the process of determining through possible court action my rights of survivorship to these vested rights which my cattle ranch is completely dependent upon. I am concerned that the approval of this application now might in some way interfere with the prior rights of Proof #1262 and Proof #1704 at this time.

George Tennille asked that the application be issued subject to prior rights.

#### FINDINGS OF FACT

##### I.

The Nevada Legislature has determined it is within the discretion of the State Engineer whether or not to hold a hearing on a protested application.<sup>2</sup> The State Engineer finds a hearing is not necessary in regard to Application 61081.

##### II.

Application 61081 identified the manner of use as commercial; however, the application also noted that the water is to be used for a dude ranch, in other words, use of water for domestic purposes for persons visiting the ranch and ranch personnel. The State Engineer finds that while the application identifies the manner of use as commercial, the use is more in the nature of quasi-municipal use.

##### III.

Application 61081 is for a quantity of water not to exceed 3 acre-feet annually. The point of diversion and place of use under Application 61081 is more than sixty-six miles from the Lake Mead National Recreation Area. The State Engineer finds the quantity of water applied for under Application 61081 is so minimal, and the distance is so great that the chances of interference with the Muddy River springs or water rights in the Lake Mead National Recreation Area are nil.

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<sup>2</sup> NRS 533.365(3)

IV.

Using the standard Theis Non-Equilibrium equation to estimate the drawdown of the water level from the continuous pumping of the proposed well at .05 cfs, and using conservative values of storativity (.001) and transmissivity (6684 SFD), the State Engineer finds any drawdown of water levels would be negligible.

CONCLUSIONS OF LAW

I.

The State Engineer initially described and designated a portion of the Lower Meadow Valley Wash Groundwater Basin on November 23, 1982, under the provisions of NRS 534.030, as a basin in need of administration.<sup>3</sup> In the interest of public welfare the State Engineer is authorized to designate preferred uses of water within a designated basin from which the groundwater is being depleted, and in acting on applications to appropriate groundwater he may designate such preferred uses.<sup>4</sup> The State Engineer concludes that the quasi-municipal use under Application 61081 is a preferred use of water.

II.

Protestant Tennille requested the application be issued subject to prior rights. The State Engineer concludes the appropriative system of water rights set forth in Nevada law is premised on the basis of prior rights and no interference with existing water rights and all permits issued under the appropriative system are issued with the caveat that the permit is issued subject to all existing water rights on the source.

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<sup>3</sup> State Engineer's Order No. 803, dated November 23, 1982, official records of the Office of the State Engineer.

<sup>4</sup> NRS 534.120(2).

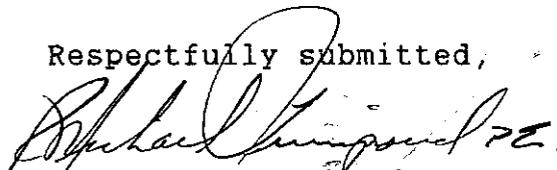
III.

The State Engineer concludes from the drawdown analysis there will be no effect on existing water rights from the granting of Application 61081.

RULING

The protests to Application 61081 are overruled and Application 61081 is granted subject to existing rights and payment of the statutory fees.

Respectfully submitted,

  
R. MICHAEL TURNIPSEED, P.E.  
State Engineer

RMT/SJT/ab

Dated this 28th day of  
February, 1996.