

IN THE MATTER OF APPLICATIONS 32519,)
32520, 32521, 32522, 32523, 32524, 32525,)
32526, 32527, 32528, 32529, 32530, 32531,)
32532, 32533, 32534, 32535, 32536, 32537,)
32538, 37129, 37200, 37206, 37209, 37211,)
37216, 37217, 37218, 37255, 37379, 37383,)
and 37384, FILED TO APPROPRIATE THE WATERS)
OF AN UNDERGROUND SOURCE IN GARNET VALLEY,)
CLARK COUNTY, NEVADA.)

RULING 2814

INTRODUCTION

Garnet Valley is located in Clark County, Nevada.

In 1968, Water Resources Reconnaissance Series Report 50, "Water-Resources Appraisal of the Lower Moapa-Lake Mead Area, Clark County, Nevada," 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 may be viewed at the Office of the State Engineer.

FINDINGS OF FACT

I

Application 32519 was filed by Coyote Valley Water, Land and Livestock Company on June 30, 1977 to appropriate 5.4 c.f.s. of underground water for irrigation purposes. The point of diversion is within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 36, T. 16 S., R. 63 E., M.D.B.&M., and the place of use is 320 acres within the S $\frac{1}{2}$ of Section 36, T. 16 S., R. 63 E., M.D.B.&M.

Application 32520 was filed by Coyote Valley Water, Land and Livestock Company on June 30, 1977 to appropriate 5.4 c.f.s. of underground water for irrigation purposes. The point of diversion is within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 36, T. 16 S., R. 63 E., M.D.B.&M., and the place of use is 320 acres within the N $\frac{1}{2}$ of Section 36, T. 16 S., R. 63 E., M.D.B.&M.

Application 32521 was filed by Coyote Valley Water, Land and Livestock Company on June 30, 1977 to appropriate 5.4 c.f.s. of underground water for irrigation purposes. The point of diversion is within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 31, T. 16 S., R. 64 E., M.D.B.&M., and the place of use is 320 acres within the S $\frac{1}{2}$ of Section 31, T. 16 S., R. 64 E., M.D.B.&M.

Application 32522 was filed by Coyote Valley Water, Land and Livestock Company on June 30, 1977 to appropriate 5.4 c.f.s. of underground water for irrigation purposes. The point of diversion is within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 31, T. 16 S., R. 64 E., M.D.B.&M., and the place of use is 320 acres within the N $\frac{1}{2}$ of Section 31, T. 16 S., R. 64 E., M.D.B.&M.

Application 32523 was filed by Coyote Valley Water, Land and Livestock Company on June 30, 1977 to appropriate 5.4 c.f.s. of underground water for irrigation purposes. The point of diversion is within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 32, T. 16 S., R. 64 E., M.D.B.&M., and the place of use is 320 acres within the N $\frac{1}{2}$ of Section 32, T. 16 S., R. 64 E., M.D.B.&M.

Application 32524 was filed by Coyote Valley Water, Land and Livestock Company on June 30, 1977 to appropriate 5.4 c.f.s. of underground water for irrigation purposes. The point of diversion is within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 32, T. 16 S., R. 64 E., M.D.B.&M., and the place of use is 320 acres of Section 32, T. 16 S., R. 64 E., M.D.B.&M.

Application 32525 was filed by Coyote Valley Water, Land and Livestock Company on June 30, 1977 to appropriate 5.4 c.f.s. of underground water for irrigation purposes. The point of diversion is within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 33, T. 16 S., R. 64 E., M.D.B.&M., and the place of use is 320 acres within the N $\frac{1}{2}$ of Section 33, T. 16 S., R. 64 E., M.D.B.&M.

Application 32526 was filed by Coyote Valley Water, Land and Livestock Company on June 30, 1977 to appropriate 5.4 c.f.s. of underground water for irrigation purposes. The point of diversion is within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 33, T. 16 S., R. 64 E., M.D.B.&M., and the place of use is 320 acres within the S $\frac{1}{2}$ of Section 33, T. 16 S., R. 64 E., M.D.B.&M.

Application 32527 was filed by Coyote Valley Water, Land and Livestock Company on June 30, 1977 to appropriate 5.4 c.f.s. of underground water for irrigation purposes. The point of diversion is within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 34, T. 16 S., R. 64 E., M.D.B.&M., and the place of use is 320 acres within the N $\frac{1}{2}$ of Section 34, T. 16 S., R. 64 E., M.D.B.&M.

Application 32528 was filed by Coyote Valley Water, Land and Livestock Company on June 30, 1977 to appropriate 5.4 c.f.s. of underground water for irrigation purposes. The point of diversion is within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 34, T. 16 S., R. 64 E., M.D.B.&M., and the place of use is 320 acres within the S $\frac{1}{2}$ of Section 34, T. 16 S., R. 64 E., M.D.B.&M.

Application 32529 was filed by Coyote Valley Water, Land and Livestock Company on June 30, 1977 to appropriate 5.4 c.f.s. of underground water for irrigation purposes. The point of diversion is within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 9, T. 17 S., R. 64 E., M.D.B.&M., and the place of use is 320 acres within the N $\frac{1}{2}$ of Section 9, T. 17 S., R. 64 E., M.D.B.&M.

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Application 32530 was filed by Coyote Valley Water, Land and Livestock Company on June 30, 1977 to appropriate 5.4 c.f.s. of underground water for irrigation purposes. The point of diversion is within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 9, T. 17 S., R. 64 E., M.D.B.&M., and the place of use is 320 acres within the S $\frac{1}{2}$ of Section 9, T. 17 S., R. 64 E., M.D.B.&M.

Application 32531 was filed by Coyote Valley Water, Land and Livestock Company on June 30, 1977 to appropriate 5.4 c.f.s. of underground water for irrigation purposes. The point of diversion is within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 8, T. 17 S., R. 64 E., M.D.B.&M., and the place of use is 320 acres within the N $\frac{1}{2}$ of Section 8, T. 17 S., R. 64 E., M.D.B.&M.

Application 32532 was filed by Coyote Valley Water, Land and Livestock Company on June 30, 1977 to appropriate 5.4 c.f.s. of underground water for irrigation purposes. The point of diversion is within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 8, T. 17 S., R. 64 E., M.D.B.&M., and the place of use is 320 acres within the S $\frac{1}{2}$ of Section 8, T. 17 S., R. 64 E., M.D.B.&M.

Application 32533 was filed by Coyote Valley Water, Land and Livestock Company on June 30, 1977 to appropriate 5.4 c.f.s. of underground water for irrigation purposes. The point of diversion is within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 7, T. 17 S., R. 64 E., M.D.B.&M., and the place of use is 320 acres within the E $\frac{1}{2}$ of Section 7, T. 17 S., R. 64 E., M.D.B.&M.

Application 32534 was filed by Coyote Valley Water, Land and Livestock Company on June 30, 1977 to appropriate 5.4 c.f.s. of underground water for irrigation purposes. The point of diversion is within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 7, T. 17 S., R. 64 E., M.D.B.&M., and the place of use is 320 acres within the W $\frac{1}{2}$ of Section 7, T. 17 S., R. 64 E., M.D.B.&M.

Application 32535 was filed by Coyote Valley Water, Land and Livestock Company on June 30, 1977 to appropriate 5.4 c.f.s. of underground water for irrigation purposes. The point of diversion is within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 18, T. 17 S., R. 64 E., M.D.B.&M., and the place of use is 320 acres within the N $\frac{1}{2}$ N $\frac{1}{2}$ Section 18 and NW $\frac{1}{4}$ of Section 17, T. 17 S., R. 64 E., M.D.B.&M.

Application 32536 was filed by Coyote Valley Water, Land and Livestock Company on June 30, 1977 to appropriate 5.4 c.f.s. of underground water for irrigation purposes. The point of diversion is within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 17, T. 17 S., R. 64 E., M.D.B.&M., and the place of use is 320 acres within the E $\frac{1}{2}$ of Section 17, T. 17 S., R. 64 E., M.D.B.&M.

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Application 32537 was filed by Coyote Valley Water, Land and Livestock Company on June 30, 1977 to appropriate 5.4 c.f.s. of underground water for irrigation purposes. The point of diversion is within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 20, T. 17 S., R. 64 E., M.D.B.&M., and the place of use is 320 acres within the W $\frac{1}{2}$ of Section 20, T. 17 S., R. 64 E., M.D.B.&M.

Application 32538 was filed by Coyote Valley Water, Land and Livestock Company on June 30, 1977 to appropriate 2.7 c.f.s. of underground water for irrigation purposes. The point of diversion is within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 17, T. 17 S., R. 64 E., M.D.B.&M., and the place of use is 160 acres within the SW $\frac{1}{4}$ of Section 17, T. 17 S., R. 64 E., M.D.B.&M.

Application 37129 was filed by Mishie Leavitt on March 22, 1979 to appropriate 5.4 c.f.s. of underground water for irrigation purposes. The point of diversion is within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 31, T. 16 S., R. 64 E., M.D.B.&M., and the place of use is 320 acres within the W $\frac{1}{2}$ of Section 31, T. 16 S., R. 64 E., M.D.B.&M.

Application 37200 was filed by Richard Hardy on March 26, 1979 to appropriate 5.4 c.f.s. of underground water for irrigation purposes. The point of diversion is within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 31, T. 16 S., R. 64 E., M.D.B.&M., and the place of use is 320 acres within the E $\frac{1}{2}$ of Section 21, T. 16 S., R. 64 E., M.D.B.&M.

Application 37206 was filed by Cheri L. Luzi on March 26, 1979 to appropriate 5.4 c.f.s. of underground water for irrigation purposes. The point of diversion is within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 17, T. 17 S., R. 64 E., M.D.B.&M., and the place of use is 320 acres within the E $\frac{1}{2}$ of Section 17, T. 17 S., R. 64 E., M.D.B.&M.

Application 37209 was filed by Linda K. Leavitt on March 26, 1979 to appropriate 5.4 c.f.s. of underground water for irrigation purposes. The point of diversion is within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 7, T. 17 S., R. 64 E., M.D.B.&M., and the place of use is 320 acres within the E $\frac{1}{2}$ of Section 7, T. 17 S., R. 64 E., M.D.B.&M.

Application 37211 was filed by Richard G. Leavitt on March 26, 1979 to appropriate 5.4 c.f.s. of underground water for irrigation purposes. The point of diversion is within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 7, T. 17 S., R. 64 E., M.D.B.&M., and the place of use is 320 acres within the W $\frac{1}{2}$ of Section 7, T. 17 S., R. 64 E., M.D.B.&M.

Application 37216 was filed by Jeff Joseph on March 26, 1979 to appropriate 5.4 c.f.s. of underground water for irrigation purposes. The point of diversion is within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 17, T. 17 S., R. 64 E., M.D.B.&M., and the place of use is 320 acres within the N $\frac{1}{2}$ of Section 17, T. 17 S., R. 64 E., M.D.B.&M.

Application 37217 was filed by Marilyn Butler on March 26, 1979 to appropriate 5.4 c.f.s. of underground water for irrigation purposes. The point of diversion is within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 8, T. 17 S., R. 64 E., M.D.B.&M., and the place of use is 320 acres within the E $\frac{1}{2}$ of Section 8, T. 17 S., R. 64 E., M.D.B.&M.

Application 37218 was filed by Tom Butler on March 26, 1979 to appropriate 5.4 c.f.s. of underground water for irrigation purposes. The point of diversion is within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 18, T. 17 S., R. 64 E., M.D.B.&M., and the place of use is 320 acres within the W $\frac{1}{2}$ of Section 8, T. 17 S., R. 64 E., M.D.B.&M.

Application 37255 was filed by Lois Leavitt on March 27, 1979 to appropriate 5.4 c.f.s. of underground water for irrigation purposes. The point of diversion is within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 33, T. 16 S., R. 64 E., M.D.B.&M., and the place of use is 320 acres within the W $\frac{1}{2}$ of Section 33, T. 16 S., R. 64 E., M.D.B.&M.

Application 37379 was filed by H. Millard Sloan on March 30, 1979 to appropriate 5.4 c.f.s. of underground water for irrigation purposes. The point of diversion is within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 9, T. 17 S., R. 64 E., M.D.B.&M., and the place of use is 320 acres within the W $\frac{1}{2}$ of Section 9, T. 17 S., R. 64 E., M.D.B.&M.

Application 37383 was filed by Esther B. Linford on March 30, 1979 to appropriate 5.4 c.f.s. of underground water for irrigation purposes. The point of diversion is within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 32, T. 16 S., R. 64 E., M.D.B.&M., and the place of use is 320 acres within the E $\frac{1}{2}$ of Section 32, T. 16 S., R. 64 E., M.D.B.&M.

Application 37384 was filed by Don C. Linford on March 30, 1979 to appropriate 5.4 c.f.s. of underground water for irrigation purposes. The point of diversion is within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 32, T. 16 S., R. 64 E., M.D.B.&M., and the place of use is 320 acres within the W $\frac{1}{2}$ of Section 32, T. 16 S., R. 64 E., M.D.B.&M. 1/

II

These applications are on lands associated with the Carey Act or the Desert Land Entry Act, and as such, fall within the priority as specified in NRS 533.357. 2/

III

The estimated perennial yield of the Garnet Valley ground water reservoir is 400 acre-feet. 3/ The perennial yield of a ground water reservoir may be defined as the maximum amount of natural discharge that can be salvaged each year over the long term pumping without bringing about some undesired result. 4/

IV

The total number of acres proposed to be irrigated under the above applications amounts to approximately 6,880 acres. The total water use requested would be approximately 34,400 acre-feet of water per year, which is far in excess of the perennial yield of 400 acre-feet per year. The minimum number of acres to be irrigated under any one application is 160 acres. The use of water for 160 acres would be approximately 800 acre-feet per year which is twice the identified perennial yield of the basin.

V

The existing certified and permitted ground water rights in Garnet Valley Ground Water Basin total over 990 acre-feet per acre per year. 5/

CONCLUSIONS

I

The State Engineer has jurisdiction over the parties and the subject matter of this action. 6/

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. 7/

III

If Applications 32519, 32520, 32521, 32522, 32523, 32524, 32525, 32526, 32527, 32528, 32529, 32530, 32531, 32532, 32533, 32534, 32535, 32536, 32537, 32538, 37129, 37200, 37206, 37209, 37211, 37216, 37217, 37218, 37255, 37379, 37383 and 37384 are granted, the resulting withdrawals and consumption of water for irrigation would remove water from the ground water reservoir which would not be replaced, resulting in depletion of the ground water reservoir. This additional withdrawal and consumption of underground water for irrigation would, therefore, conflict with existing water rights and threaten to prove detrimental to the public welfare.

RULING

Applications 32519, 32520, 32521, 32522, 32523, 32524, 32525, 32526, 32527, 32528, 32529, 32530, 32531, 32532, 32533, 32534, 32535, 32536, 32537, 32538, 37129, 37200, 37206, 37209, 37211, 37216, 37217, 37218, 37255, 37379, 37383 and 37384 are herewith denied on the grounds that this appropriation of underground water for irrigation exceeds the perennial yield of water available in the basin for appropriation, and the appropriation would tend to impair the value of existing rights and would be detrimental to the public interest and welfare within the Garnet Valley Ground Water Basin.

Respectfully Submitted,



PETER G. MORROS
State Engineer

PGM/GB/br

Dated this 7th day of
July, 1983.

FOOTNOTES

1. Public Records in the Office of the State Engineer.
2. Public Records in the Office of the State Engineer.
3. Water Resources-Reconnaissance Series Report 50, page 50.
4. Water Resources-Reconnaissance Series Report 50, page 49.
5. Public records in the Office of the State Engineer.
6. NRS 533.025 and NRS 533.030, Subsection 1.
7. NRS 533.370, Subsection 3.