

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

ORDER
#1256

ORDER

**EXTENDING THE DESIGNATED AREA AND CURTAILING
GROUNDWATER APPROPRIATION WITHIN THE ANTELOPE
VALLEY HYDROGRAPHIC BASIN (4-57) IN LANDER COUNTY,
NEVADA**

WHEREAS, the State Engineer designated a portion of the Antelope Valley Hydrographic Basin (57) as provided under the provisions of Nevada Revised Statutes (NRS) § 534.030, by Order No. 276, dated August 5, 1964.

WHEREAS, the State Engineer finds that conditions warrant the extension of the designated boundaries to the extent of the Antelope Valley Hydrographic Basin and by this Order, pursuant to Nevada Revised Statutes (NRS) § 534.030, designates the following described areas of land in need of additional administration.

T.19N., R.41E. Mount Diablo Base & Meridian (M.D.B.&M.)

All of Section 4 and those portions of Sections 1, 2, 3, 5, 8, 9, 10, 11, 15 and 16 within the Antelope Valley drainage basin.

T.20N., R.40E. M.D.B.&M.

Those portions of Sections 1, 2, 3 and 4 within the Antelope Valley drainage basin.

T.20N., R.41E. M.D.B.&M.

All of Sections 1 thru 5, 9 thru 16, 21, 22, 23, 24, 26, 27, 28, 33, 34 and 35 and those portions of Sections 6, 7, 8, 17, 20, 25, 29, 32 and 36 within the Antelope Valley drainage basin.

T.20N., R.42E. M.D.B.&M.

All of Section 18 and those portions of Sections 5, 6, 7, 8, 17, 19, 20 and 30 within the Antelope Valley drainage basin.

T.21N., R.40E. M.D.B.&M.

All of Sections 1, 2, 3, 10, 11, 12, 13, 14, 23, 24, 25, 26, 35 and 36 and those portions of Sections 4, 9, 15, 16, 22, 27, 28, 33 and 34 within the Antelope Valley drainage basin.

T.21N., R.41E. M.D.B.&M.

All Sections.

T.21N., R.42E. M.D.B.&M.

All of Sections 5, 6, 7, 8, 17, 18, 19, 20, 30 and 31 and those portions of Sections 4, 9, 16, 21, 28, 29, 32 and 33 within the Antelope Valley drainage basin.

T.22N., R.40E. M.D.B.&M.

All of Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 21, 22, 23, 24, 25, 26, 27, 34, 35 and 36 and those portions of Sections 4, 9, 16, 17, 20, 28, 29 and 33 within the Antelope Valley drainage basin.

T.22N., R.41E. M.D.B.&M.

All Sections.

T.22N., R.42E. M.D.B.&M.

All of Sections 4, 5, 6, 7, 8, 9, 17, 18, 19, 20, 29, 30, 31 and 32 and those portions of Sections 2, 3, 10, 15, 16, 21, 22, 27, 28, 33 and 34 within the Antelope Valley drainage basin.

T.23N., R.40E. M.D.B.&M.

All of Sections 1, 2, 11, 12, 13, 14, 23, 24, 25, 26, 34, 35 and 36 and those portions of Sections 3, 10, 15, 22, 27, 28 and 33 within the Antelope Valley drainage basin.

T.23N., R.41E. M.D.B.&M.

All Sections.

T.23N., R.42E. M.D.B.&M.

All of Sections 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32 and 33 and those portions of Sections 2, 3, 10, 11, 14, 15, 22, 27, 34 and 35 within the Antelope Valley drainage basin.

T.23½N., R.40E. M.D.B.&M.

All that portion within the Antelope Valley drainage basin.

T.23½N., R.41E. M.D.B.&M.

All Sections.

T.24N., R.40E. M.D.B.&M.

All of Sections 1 thru 5, 9 thru 15, 22 thru 26, 35 and 36 and those portions of Sections 6, 7, 8, 16, 17, 21, 27, 28 and 34 within the Antelope Valley drainage basin.

T.24N., R.41E. M.D.B.&M.

All Sections.

T.24N., R.42E. M.D.B.&M.

All of Sections 18, 19, 30, 31 and 32 and those portions of Sections 6, 7, 8, 17, 20, 21, 28, 29, 33 and 34 within the Antelope Valley drainage basin.

T.25N., R.39E. M.D.B.&M.

Those portions of Sections 13, 24, 25 and 36 within the Antelope Valley drainage basin.

T.25N., R.40E. M.D.B.&M.

All of Sections 1, 11 thru 17 and 20 thru 36 and those portions of Sections 2, 3, 7, 8, 9, 10, 18 and 19 within the Antelope Valley drainage basin.

T.25N., R.41E. M.D.B.&M.

All Sections.

T.25N., R.42E. M.D.B.&M.

Those portions of Sections 6, 7, 8, 18, 19, 30 and 31 within the Antelope Valley drainage basin.

T.26N., R.40E. M.D.B.&M.

Those portions of Sections 24, 25, 35 and 36 within the Antelope Valley drainage basin.

T.26N., R.41E. M.D.B.&M.

All of Sections 4, 5, 9 thru 17 and 20 thru 36 and those portions of Sections 1, 2, 3, 6, 7, 8, 18 and 19 within the Antelope Valley drainage basin.

T.26N., R.42E. M.D.B.&M.

All of Sections 7, 18, 19, 30 and 31 and those portions of Sections 5, 6, 8, 17, 19, 20, 29, 30, 31 and 32 within the Antelope Valley drainage basin.

T.27N., R.41E. M.D.B.&M.

Those portions of Sections 28, 29, 31, 32, 33 and 34 within the Antelope Valley drainage basin.

The designated Antelope Valley Hydrographic Basin is depicted and defined on Nevada Division of Water Resources, State Engineer's office maps.

WHEREAS, NRS § 534.120 provides that within an area that has been designated by the State Engineer where, in his judgment, the groundwater basin is being depleted, the State

Engineer in his administrative capacity is empowered to make such rules, regulations and orders as are deemed essential for the welfare of the area involved.

WHEREAS, the perennial yield of the Antelope Valley Hydrographic Basin is 9,000 acre-feet.

WHEREAS, the committed groundwater rights of record in the Office of the State Engineer for the Antelope Valley Hydrographic Basin total approximately 31,150 acre-feet annually, which greatly exceeds the perennial yield of the Antelope Valley Hydrographic Basin.

WHEREAS, the Nevada Division of Water Resources measures groundwater levels at 31 active well net sites, and the State Engineer finds that in many areas of Antelope Valley the water table is declining at a rate that justifies additional administration.

WHEREAS, the State Engineer finds that public hearing as required under NRS § 534.030, in the matter of the designation of Antelope Valley Hydrographic Basin was held in Winnemucca, Nevada, on March 17, 2015. Based on information received at the hearing and other data and information available to the State Engineer, it is determined that this groundwater basin is in need of additional administration under the provisions of NRS Chapter 534.

NOW THEREFORE, IT IS HEREBY ORDERED that with the following exceptions, any application to appropriate groundwater pursuant to Chapters 533 and 534 of the NRS within the designated Antelope Valley Hydrographic Basin will be denied.

EXCEPTIONS:

1. Those applications for environmental permits filed pursuant to NRS §§ 533.437 to 533.4377, inclusive.
2. Those applications for temporary appropriations of groundwater for establishing fire-resistant vegetative cover filed pursuant to NRS § 533.436.
3. Those applications for temporary appropriations of groundwater for stockwater purposes during drought declarations filed pursuant to NRS § 533.504.
4. Those applications filed to increase diversion rate only, with no corresponding increase in duty of water.

IT IS FURTHER ORDERED that all owners of underground water rights in the Antelope Valley Hydrographic Basin, with the following exceptions, shall install and maintain, in accordance with manufacturer's specifications, a totalizing meter in the discharge pipeline

near the point of diversion by **February 1, 2016**. Additionally, all wells drilled after **February 1, 2016**, shall be subject to this requirement.

EXCEPTIONS:

1. Those wells drilled for domestic purposes as defined by NRS § 534.013.
2. Those wells drilled for stockwater purposes, unless otherwise required by the terms of the permit or certificate.
3. Those wells with a total authorized withdrawal that does not exceed five acre-feet annually, unless otherwise required by the terms of the permit or certificate.

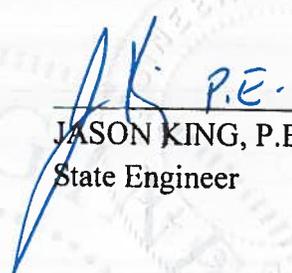
IT IS FURTHER ORDERED that **within thirty days** of installation, each owner who installs a totalizing meter in accordance with this order shall file with the State Engineer a report of installation on the form provided by the Division of Water Resources.

IT IS FURTHER ORDERED that once the totalizing meter is installed, monthly records shall be kept of the amount of water pumped from each well subject to this order, and the records shall be submitted to the State Engineer **within 15 days after the end of each calendar quarter**, or more frequently if required by the terms of the permit or certificate.

IT IS FURTHER ORDERED that:

1. Each water right owner shall expeditiously correct totalizing meter failure or deficiencies in metering equipment or installations that cause the meter to fail to meet the requirements of this order.
2. The State Engineer may authorize the temporary estimation of the amount of water pumped during the time period required to repair a non-functional totalizing meter. Estimation of the amount of water pumped must be based upon the number of hours the pump was operated, multiplied by the well discharge diversion rate. This estimation must be submitted to the State Engineer in the form of a sworn affidavit from the water right owner, but is in no way a direct substitute for a totalizing meter installed in the discharge pipeline.
3. Each water right owner shall provide access to the totalizing meter by State Engineer staff without prior notice for reading and inspection.

4. Any tampering with any working totalizing meter, *e.g.*, reprogramming, such that the totalizing meter provides a false measurement is prohibited. If upon inspection, the State Engineer finds discrepancies between the totalizing meter reading and actual discharge from the well, an independent certification of the flow measurement may be required at the expense of the water right holder.



JASON KING, P.E.
State Engineer

Dated at Carson City, Nevada this

29th day of April, 2015.