

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

ORDER
#1259

ORDER

**EXTENDING THE DESIGNATED AREA AND FURTHER CURTAILING
GROUNDWATER APPROPRIATION WITHIN THE PARADISE
VALLEY HYDROGRAPHIC BASIN (4-69) IN HUMBOLDT COUNTY,
NEVADA**

WHEREAS, the State Engineer designated a portion of the Paradise Valley Hydrographic Basin (069) as provided under the provisions of Nevada Revised Statutes (NRS) § 534.030, by Order No. 408, dated November 21, 1971.

WHEREAS, by Order No. 832, dated December 1, 1983, the State Engineer declared irrigation to not be a preferred use and ordered that all applications filed after December 1, 1983, to appropriate groundwater to irrigate additional land from the designated Paradise Valley Hydrographic Basin will be denied.

WHEREAS, the State Engineer finds that conditions warrant the extension of the designated boundaries to the extent of the Paradise 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.36N., R.37E. M.D.B.&M.

Those portions of Sections 1, 2, 11 and 12 within the Paradise Valley drainage basin.

T.36N., R.38E. M.D.B.&M.

That portion of Section 6 within the Paradise Valley drainage basin.

T.37N., R.37E. M.D.B.&M.

Those portions of Sections 1, 12, 13, 24, 25 and 36 within the Paradise Valley drainage basin.

T.37N., R.38E. M.D.B.&M.

All of Sections 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33 and 34 within the Paradise Valley drainage basin.

T.37N., R.39E. M.D.B.&M.

All of Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 28, 29 and 30 within the Paradise Valley drainage basin.

T.37N., R.40E. M.D.B.&M.

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

T.38N., R.37E. M.D.B.&M.

Those portions of Sections 1, 12, 13, 24, 25 and 36 within the Paradise Valley drainage basin.

T.38N., R.38E. M.D.B.&M.

All of Sections 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36 and that portion of Section 6 within the Paradise Valley drainage basin.

T.38N., R.39E. M.D.B.&M.

All Sections.

T.38N., R.40E. M.D.B.&M.

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

T.39N., R.37E. M.D.B.&M.

Those portions of Sections 12, 13, 24, 25 and 36 within the Paradise Valley drainage basin.

T.39N., R.38E. M.D.B.&M.

All of Sections 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 32, 33, 34, 35 and 36 and those portions of Sections 6, 7 and 31 within the Paradise Valley drainage basin.

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

All Sections.

T.39N., R.40E. M.D.B.&M.

All of Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33 and 34 and those portions of Sections 1, 12, 13, 23, 24, 26 and 35 within the Paradise Valley drainage basin.

T.40N., R.38E. M.D.B.&M.

All of Sections 1, 12, 13, 23, 24, 25, 26, 27, 33, 34, 35 and 36 and those portions of Sections 2, 3, 11, 14, 15, 21, 22, 28, 29, 31 and 32 within the Paradise Valley drainage basin.

T.40N., R.39E. M.D.B.&M.

All Sections.

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

All of Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30, 31, 32, 33, 34 and 35 and those portions of Sections 1, 11, 12, 13, 24, 25 and 36 within the Paradise Valley drainage basin.

T.40N., R.41E. M.D.B.&M.

Those portions of Sections 6 and 19 within the Paradise Valley drainage basin.

T.41N., R.38E. M.D.B.&M.

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

T.41N., R.39E. M.D.B.&M.

All Sections.

T.41N., R.40E. M.D.B.&M.

All Sections.

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

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

T.42N., R.38E. M.D.B.&M.

All of Sections 25 and 36 and those portions of Sections 1, 2, 11, 12, 13, 14, 23, 24, 26 and 35 within the Paradise Valley drainage basin.

T.42N., R.39E. M.D.B.&M.

All Sections.

T.42N., R.40E. M.D.B.&M.

All Sections.

T.42N., R.41E. M.D.B.&M.

All of Sections 7, 19, 20, 29, 30, 31 and 32 and those portions of Sections 5, 6, 8, 16, 17, 18, 21, 27, 28 and 33 within the Paradise Valley drainage basin.

T.43N., R.38E. M.D.B.&M.

All of Sections 25 and 36 and those portions of Sections 12, 13, 23, 24, 26 and 35 within the Paradise Valley drainage basin.

T.43N., R.39E. M.D.B.&M.

All of Sections 1, 2, 3, 4, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36 and those portions of Sections 5, 6 and 7 within the Paradise Valley drainage basin.

T.43N., R.40E. M.D.B.&M.

All of Sections 18, 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33, 34 and 35 and those portions of Sections 6, 7, 8, 9, 14, 15, 16, 17, 23, 25, 26 and 36 within the Paradise Valley drainage basin.

T.43N., R.41E. M.D.B.&M.

That portion of Section 31 within the Paradise Valley drainage basin.

T.44N., R.39E. Mount Diablo Base & Meridian (M.D.B.&M.)

All of Sections 33, 34 and 35 and those portions of Sections 22, 23, 25, 26, 27, 28, 29, 32 and 36 within the Paradise Valley drainage basin.

T.44N., R.40E. M.D.B.&M.

That portion of Section 31 within the Paradise Valley drainage basin.

The designated Paradise 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 combined perennial yield of the Little Humboldt Valley, Hardscrabble Area and Paradise Valley Hydrographic Basins is 34,000 acre-feet.

WHEREAS, the committed groundwater rights of record in the Office of the State Engineer for the Paradise Valley Hydrographic Basin total approximately 115,765 acre-feet annually, which greatly exceeds the perennial yield of not just Paradise Valley, but of all three hydrographic basins.

WHEREAS, current groundwater inventories conducted by the Nevada Division of Water Resources from 2009 to 2013 show the five year average pumpage of groundwater is 50,350 acre-feet annually.

WHEREAS, the Nevada Division of Water Resources measures groundwater levels at 114 active well net sites, and the State Engineer finds that in many areas of Paradise Valley the water table is declining at a rate that justifies additional administration.

WHEREAS, the State Engineer finds that a public hearing as required under NRS § 534.030, in the matter of the designation of Paradise Valley Hydrographic Basin was held in Winnemucca, Nevada, on March 11, 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 ordered that, with the following exceptions, any application to appropriate groundwater pursuant to Chapters 533 and 534 of the NRS within the designated Paradise 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 Paradise 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.

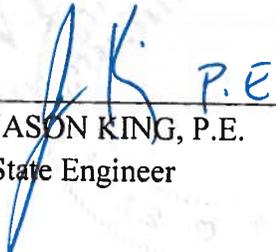
IT IS FURTHER ORDERED that **within thirty days** of installation, each owner who installs a totalizing meter in accordance with this order shall file with the State Engineer a report of installation on the form provided by the Division of Water Resources.

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.