

IN THE MATTER OF APPLICATIONS 37377,)
37378, 37608, 37609, 37610, 37611,)
37612, 37613, 37614, 37616, 37617,)
37621, 37624, 37630, 37632, 38046,)
38047, 38157, 38158, 38160, 38161,)
38722, 38865, 39139, 39140, 39142,)
39315, 39380, 39661, 39668 AND)
41083 FILED TO APPROPRIATE THE)
WATERS OF AN UNDERGROUND SOURCE IN)
INDIAN SPRINGS VALLEY, CLARK, NYE)
AND LINCOLN COUNTIES, NEVADA)

R U L I N G

INTRODUCTION

Applications 37377, 37378, 37608, 37609, 37610, 37611, 37612, 37613, 37614, 37616, 37617, 37621, 37624, 37630, 37632, 38046, 38047, 38157, 38158, 38160, 38161, 38722, 38865, 39139, 39140, 39142, 39315, 39380, 39661, 39668 and 41083 were filed to appropriate water from an underground source in Indian Springs Valley Ground Water Basin, Clark County, Nevada.

In 1970, Water Resources Reconnaissance Series Report 54, "Regional Ground-Water Systems in the Nevada Test Site Area, Nye, Lincoln, and Clark Counties, 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

Application 37377 was filed by Joseph J. Allred on March 30, 1979 to appropriate 3.4 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 12, T.16S., R.55 $\frac{1}{2}$ E., M.D.B.&M., and the place of use is 200 acres within the NE $\frac{1}{4}$ of said Section 12.

Application 37378 was filed by Curtis J. Stengel on March 30, 1979 to appropriate 1.35 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 1, T.16S., R.55 $\frac{1}{2}$ E., M.D.B.&M., and the place of use is 60 acres within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 1, NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 12, T.16S., R.55 $\frac{1}{2}$ E., M.D.B.&M.

Application 37608 was filed by Kathleen L. Reid on April 2, 1979 to appropriate 5.0 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 11, T.16S., R.55E., M.D.B.&M., and the place of use is 320 acres within the E $\frac{1}{2}$ of said Section 11.

Application 37609 was filed by Betty A. Stojack on April 2, 1979 to appropriate 5.0 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 12, T.16S., R.55E., M.D.B.&M., and the place of use is 320 acres within the E $\frac{1}{2}$ of said Section 12.

Application 37610 was filed by Laura A. Williams on April 2, 1979 to appropriate 5.0 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 12, T.16S., R.55E., M.D.B.&M., and the place of use is 320 acres within the W $\frac{1}{2}$ of said Section 12.

Application 37611 was filed by John M. DiBella on April 2, 1979 to appropriate 5.0 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 2, T.16S., R.55 $\frac{1}{2}$ E., M.D.B.&M., and the place of use is 320 acres within the SW $\frac{1}{4}$ Section 1, SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ Section 2, T.16S., R.55 $\frac{1}{2}$ E., M.D.B.&M.

Application 37612 was filed by Virginia M. DiBella on April 2, 1979 to appropriate 5.0 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 12, T.16S., R.55 $\frac{1}{2}$ E., M.D.B.&M., and the place of use is 320 acres within the E $\frac{1}{2}$ of said Section 12.

Application 37613 was filed by Norma K. Cleveland on April 2, 1979 to appropriate 5.0 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 11, T.16S., R.56E., M.D.B.&M., and the place of use is 320 acres within the E $\frac{1}{2}$ of said Section 11.

Application 37614 was filed by Janie L. DiBella on April 2, 1979 to appropriate 5.0 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 11, T.16S., R.56E., M.D.B.&M., and the place of use is 320 acres within the W $\frac{1}{2}$ of said Section 11.

Application 37616 was filed by Charles E. Fedderson on April 2, 1979 to appropriate 3.0 c.f.s. of underground water for irrigation purposes. The point of diversion is within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 10, T.16S., R.56E., M.D.B.&M., and the place of use is 160 acres within the SW $\frac{1}{4}$ of said Section 10.

Application 37617 was filed by Kristi Kay Morrison on April 2, 1979 to appropriate 5.0 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 14, T.16S., R.56E., M.D.B.&M., and the place of use is 320 acres within the W $\frac{1}{2}$ of said Section 14.

Application 37621 was filed by Irwin Kaufman on April 2, 1979 to appropriate 5.0 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 15, T.16S., R.56E., M.D.B.&M., and the place of use is 320 acres within the S $\frac{1}{2}$ of said Section 15.

Application 37624 was filed by Elsie L. Davis on April 2, 1979 to appropriate 5.0 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 15, T.16S., R.56E., M.D.B.&M., and the place of use is 320 acres within the N $\frac{1}{2}$ of said Section 15.

Application 37630 was filed by Ann S. Meyers on April 2, 1979 to appropriate 3.0 c.f.s. of underground water for irrigation purposes. The point of diversion is within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 10, T.16S., R.56E., M.D.B.&M., and the place of use is 160 acres within the NE $\frac{1}{4}$ of said Section 10.

Application 37632 was filed by Susan E. DiBella on April 2, 1979 to appropriate 5.0 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 11, T.16S., R.55 $\frac{1}{2}$ E., M.D.B.&M., and the place of use is 320 acres within the W $\frac{1}{2}$ of said Section 11.

Application 38046 was filed by Leland J. Facer, II, on April 30, 1979 to appropriate 7.4 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 10, T.16S., R.55E., M.D.B.&M., and the place of use is 320 acres within the SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ of said Section 10.

Application 38047 was filed by Jenora L. Facer on April 30, 1979 to appropriate 7.5 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 9, T.16S., R.55E., M.D.B.&M., and the place of use is 320 acres within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ of said Section 9.

Application 38157 was filed by Edward L. Johnson on May 14, 1979 to appropriate 7.4 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 11, T.16S., R.56E., M.D.B.&M., and the place of use is 320 acres within the W $\frac{1}{2}$ of said Section 11.

Application 38158 was filed by Frank Nelson, Jr., on May 14, 1979 to appropriate 7.4 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 11, T.16S., R.56E., M.D.B.&M., and the place of use is 320 acres within the E $\frac{1}{2}$ of said Section 11.

Application 38160 was filed by Bernice W. Facer on May 14, 1979 to appropriate 7.4 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 9, T.16S., R.55E., M.D.B.&M., and the place of use is 320 acres within the N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ Section 8, W $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 9, T.16S., R.55E., M.D.B.&M.

Application 38161 was filed by Fred W. Royer on May 14, 1979 to appropriate 7.4 c.f.s. of underground water for irrigation purposes. The point of diversion is within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 7, T.16S., R.55E., M.D.B.&M., and the place of use is 320 acres within the E $\frac{1}{2}$ of said Section 7.

Application 38722 was filed by Bertha Kingsbury on August 2, 1979 to appropriate 7.4 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 15, T.16S., R.55E., M.D.B.&M., and the place of use is 320 acres within the W $\frac{1}{2}$ of said Section 15.

Application 38865 was filed by Marvin Maggio on August 27, 1979 to appropriate 5.7 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 13, T.16S., R.55E., M.D.B.&M., and the place of use is 320 acres within the E $\frac{1}{2}$ of said Section 13.

Application 39139 was filed by Robert F. Shearer on September 27, 1979 to appropriate 5.7 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 14, T.16S., R.54E., M.D.B.&M., and the place of use is 320 acres within the NW $\frac{1}{4}$ Section 14, SW $\frac{1}{4}$ Section 11, T.16S., R.54E., M.D.B.&M.

Application 39140 was filed by Karl Pirnat on September 27, 1979 to appropriate 5.0 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 12, T.16S., R.54E., M.D.B.&M., and the place of use is 300 acres within the S $\frac{1}{2}$ of said Section 12.

Application 39142 was filed by Vincent T. Herrera on September 27, 1979 to appropriate 5.4 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 1, T.16S., R.55E., M.D.B.&M., and the place of use is 320 acres within the S $\frac{1}{2}$ of said Section 1.

Application 39315 was filed by Al Altman on October 12, 1979 to appropriate 5.05 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 10, T.16S., R.54E., M.D.B.&M., and the place of use is 300 acres within the W $\frac{1}{2}$ of said Section 10.

Application 39380 was filed by Willis F. Shearer, Sr., on October 23, 1979 to appropriate 5.0 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 11, T.16S., R.54E., M.D.B.&M., and the place of use is 300 acres within the E $\frac{1}{2}$ of said Section 11.

Application 39661 was filed by George B. Thomas on November 15, 1979 to appropriate 0.075 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 16, T.16S., R.56E., M.D.B.&M., and the place of use is 4.08 acres within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 16.

Application 39668 was filed by Charles E. Fedderson on November 15, 1979 to appropriate 3.0 c.f.s. of underground water for irrigation purposes. The point of diversion is within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 9, T.16S., R.56E., M.D.B.&M., and the place of use is 160 acres within the SE $\frac{1}{4}$ of said Section 9.

Application 41083 was filed by Michael R. Sipl on April 14, 1980 to appropriate 3.0 c.f.s. of underground water for irrigation purposes. The point of diversion is within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 15, T.16S., R.56E., M.D.B.&M., and the place of use is 160 acres within the NW $\frac{1}{4}$ of said Section 15. 1/

II

By an Order dated August 1, 1979, the State Engineer designated and described the Indian Springs Valley Ground Water Basin under the provisions of NRS 534. 2/

III

It is estimated that the perennial yield of the Indian Springs Valley is 500 acre-feet. 3/ Any consumptive withdrawal in excess of the perennial yield will deplete the ground water reservoir.

IV

Existing certified and permitted ground water rights in Indian Springs Valley Ground Water Basin total over 500 acre-feet per year. 4/

CONCLUSIONS

I

The State Engineer has jurisdiction of the parties and the subject matter of this action. 5/

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. 6/

III

If Applications 37377, 37378, 37608, 37609, 37610, 37611, 37612, 37613, 37614, 37616, 37617, 37621, 37624, 37630, 37632, 38046, 38047, 38157, 38158, 38160, 38161, 38722, 38865, 39139, 39140, 39142, 39315, 39380, 39661, 39668 and 41083 are granted, additional land would be irrigated. This would result in additional consumptive use by farm land irrigation. The additional withdrawals and consumption would remove water from the ground water reservoir which would not be replaced resulting in depletion of the ground water reservoir, or would be replaced by infiltrating surface water that would otherwise serve existing rights.

The 31 applications to irrigate 8524 acres would require an appropriation of as much as 42,640 acre-feet of ground water annually.

The additional withdrawal and consumption of underground water for irrigation would, therefore, conflict with existing rights and threaten to prove detrimental to the public welfare.

IV

The State Engineer is authorized and directed to designate preferred uses of water within designated ground water basins such as the Indian Springs Valley Ground Water Basin. 7/ The consumptive use of additional ground water to irrigate additional land or to more intensively or frequently irrigate other land is not considered to be a preferred use of the limited water resources of the Indian Springs Valley Ground Water Basin.

RULING

Applications 37377, 37378, 37608, 37609, 37610, 37611, 37612, 37613, 37614, 37616, 37617, 37621, 37624, 37630, 37632, 38046, 38047, 38157, 38158, 38160, 38161, 38722, 38865, 39139, 39140, 39142, 39315, 39380, 39661, 39668 and 41083 are denied on the grounds that the appropriation of underground water for irrigation would tend to impair the value of existing rights, would be detrimental to the public interest and welfare, and would not be a preferred use of the limited ground water resource in the Indian Springs Valley Ground Water Basin.

Respectfully submitted,



Peter G. Morros
State Engineer

PGM/JC/bc

Dated this 23rd day of
JULY, 1982.

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 54, page 20.
4. Public records in the office of the State Engineer.
5. NRS 533.025 and NRS 533.030, subsection 1.
6. NRS 533.370, subsection 4.
7. NRS 534.120, subsection 2.