

IN THE MATTER OF APPLICATION 36320)  
FILED TO APPROPRIATE THE WATER OF )  
AN UNDERGROUND SOURCE IN DIAMOND )  
VALLEY, EUREKA COUNTY, NEVADA )

R U L I N G

GENERAL

Application 36320 was filed on December 19, 1978, by Joseph L. and Ellen M. Rand for permission to appropriate 5.4 c.f.s. of water from an underground source for irrigation and domestic purposes. The proposed point of diversion is located at a point within the SW $\frac{1}{4}$  NE $\frac{1}{4}$  Section 12, T21N, R53E, MDB&M. The proposed place of use is 320 acres within the E $\frac{1}{2}$  Section 12, T21N, R53E, MDB&M.

FINDINGS OF FACT

I

The land to be irrigated lies within that area designated and described as the Diamond Valley Ground Water Basin by Orders of the State Engineer Nos. 277 and 280 signed on August 5, 1964, and August 28, 1964, respectively. 1/

II

Three hundred fourteen acres of the land proposed to be irrigated under Application 36320 have existing water rights evidenced by Permit 19965, Certificate 6764, and Permit 19966, Certificate 7041. Permit 19965 is for 5.4 c.f.s. of water for irrigation of 158 acres in the SE $\frac{1}{4}$  of Section 12, and Permit 19966 is for 4.29 c.f.s. of water for irrigation within the NE $\frac{1}{4}$  of Section 12. 2/

III

The proposed point of diversion of Application 36320 is the existing well drilled under Permit 19966. 3/

IV

Notice of Curtailment of Water Appropriation within the Diamond Valley Ground Water Basin was issued by Order of the State Engineer on December 22, 1975, Order No. 541. This order provides:

- "1. All applications filed to appropriate water from the Diamond Valley Ground Water Basin north of the South Boundary Line of Township 22 North, MDB&M will be considered for approval on an individual basis and on their own merits.

2. All applications filed to appropriate water for irrigation of additional lands within that portion of the designated area of Diamond Valley south of the South Boundary Line of Township 22 North MDB&M that have not had a previous water right lost through forfeiture will be denied.
3. All applications filed to appropriate water for irrigation purposes on lands in Diamond Valley that had a previous water right lost through forfeiture will be considered for approval on an individual basis and on their own merit." 4/

V

Notice of Curtailment of Water Appropriation within the Diamond Valley Ground Water Basin was issued by Order of the State Engineer on July 10, 1978, Order No. 717. This order provides:

- "1. All applications filed after the date of this order to appropriate ground water for irrigation of lands within the Diamond Valley Ground Water Basin that have not had a previous water right lost through forfeiture will be denied.
2. All applications filed on or before December 31, 1978, to appropriate ground water for irrigation purposes on lands in Diamond Valley that had a previous water right lost through forfeiture will be considered for approval on an individual basis and on their own merits.
3. All applications filed after December 31, 1978, to appropriate ground water for irrigation purposes on any land within the Diamond Valley Ground Water Basin will be denied." 5/

VI

Static water levels in the areas of concentrated pumping for irrigation within the basin have had a gradual decline as evidenced by the measurements which the Division of Water Resources has taken on selected wells over the period of 1967 to 1981. 6/

CONCLUSIONS

I

The State Engineer has jurisdiction of the parties of the subject matter of this action. 7/

II

The land proposed to be irrigated has an existing right that has not been lost through forfeiture. 8/

RULING

Application 36320 is hereby denied on the grounds that the land proposed to be irrigated is presently covered with water rights for the irrigation of said land under existing Permit 19965, Certificate 6764, and Permit 19966, Certificate 7041, and the granting of Application 36320 would constitute an additional diversion of water from this concentrated area which would adversely affect existing rights and be detrimental to the public welfare.

Respectfully submitted,



Peter G. Morros  
State Engineer

PGM/GB/ja

Dated this 4th day

of OCTOBER, 1982.

FOOTNOTES

1. Public records in the State Engineer's Office.
2. Public records in the State Engineer's Office.
3. Public records in the State Engineer's Office.
4. Public records in the State Engineer's Office.
5. Public records in the State Engineer's Office.
6. Public records in the State Engineer's Office.
7. NRS 533.370
8. Public records in the State Engineer's Office.