

IN THE MATTER OF APPLICATIONS 37381)
AND 37382 FILED TO APPROPRIATE THE)
PUBLIC WATERS OF AN UNDERGROUND)
SOURCE IN MUDDY RIVER SPRINGS AREA)
GROUND WATER BASIN IN CLARK COUNTY,)
NEVADA.)

RULING

GENERAL

I.

Application 37381¹ was filed on March 30, 1979, by Diane Earl to appropriate 2.5 c.f.s. of water from an underground source for irrigation purposes on 120 acres of land within the W1/2 SE1/4 NW1/4, E1/2 SW1/4 NW1/4, NE1/4 NW1/4 SW1/4, NE1/4 SW1/4, N1/2 SE1/4 SW1/4 and SE1/4 SE1/4 SW1/4 Section 10, T.14S., R.65E., M.D.B.&M. The point of diversion is described as being within the SE1/4 SW1/4 Section 3, T.14S., R.65E., M.D.B.&M.

Application 37382¹ was filed on March 30, 1979, by Gary Earl to appropriate 5.0 c.f.s. of water from an underground source for irrigation purposes on 250 acres of land within the W1/2 SW1/4, Section 11; E1/2 SE1/4 Section 10; NE1/4 NE1/4 NE1/4 Section 15; NW1/4 NW1/4, N1/2 SW1/4 NW1/4, NW1/4 SE1/4 NW1/4 and SW1/4 NE1/4 NW1/4 Section 14, T.14S., R.65E., M.D.B.&M. The point of diversion is described as being within the SE1/4 SW1/4 Section 3, T.14S., R.65E., M.D.B.&M.

II.

Ground-Water Resources - Reconnaissance Series Report 25 titled "Ground-Water Appraisal of the Coyote Spring and Kane Spring Valleys, and Muddy River Springs Area, Lincoln and Clark Counties, Nevada", was prepared cooperatively by the Geological Survey, U.S. Department of Interior and State of Nevada, Department of Conservation and Natural Resources.

Water Resources - Bulletin No. 33 titled "A Regional Interbasin Ground Water System in the White River Area, Southeastern Nevada", was prepared cooperatively by the Geological Survey, U.S. Department of Interior, and State of Nevada, Department of Conservation and Natural Resources.

FINDINGS

I.

Applications 37381 and 37382 were timely protested on March 27, 1980, by the Muddy Valley Irrigation Company on the following grounds:

¹ Public record in the office of the State Engineer under Applications 37381 and 37382.

- "1. Drilling a well in the area designated would have an adverse effect on the springs which are the headwaters of the Muddy River.
2. Granting the application would have an adverse effect upon the decreed water rights of Muddy Valley Irrigation Company.
3. The amount of water applied for is excessive.
4. There is no showing that the water applied for can be put to beneficial use."

II.

Natural discharge from the Muddy River Springs area is estimated to be on the order of 36,000 acre-feet a year. The estimated average annual recharge from precipitation in the immediate drainage area of the springs is negligible and indeed for the whole of Coyote Spring and Kane Spring Valleys and Muddy River Springs area is estimated to be only about 2,600 acre-feet. The source of most of the discharge of the Muddy River Springs is considered to be from valleys upgradient from the springs and hydrologically connected with them. These include the valleys along the White River channel and adjacent valleys that are ground water tributaries to them. Although not demonstrated as yet, allowance must be made for a possible contribution to the springs from the ground water system in carbonate rocks within the Meadow Valley drainage area.

As a substantial part of the natural discharge of the region is concentrated in the Muddy River Springs area, the discharge of the springs closely approximates the long-time perennial yield of the regional ground water system.²

Total existing underground rights within Coyote Spring Valley, Kane Spring Valley and the Muddy River Springs area presently exceed 2,500 acre-feet per year.³

IV.

Information available¹ to the State Engineer indicates that Applications 37381 and 37382 were filed in support of Desert Land Entry applications.

² Ground Water Resources - Reconnaissance Series Report 25. Public records in the office of the State Engineer.

³ Water Resources Bulletin No. 33

V.

Applications for irrigation purposes, including Desert Land Entries, have been denied in the Muddy River Springs and Coyote Spring Valley Ground Water Basins.

CONCLUSIONS

I.

The State Engineer has jurisdiction under the provisions of NRS Chapters 533 and 534.

II.

The State Engineer is prohibited by law⁴ from granting a permit where:

- A. there is no unappropriated water at the proposed source,
- B. the proposed use conflicts with existing rights,
- C. the proposed use threatens to prove detrimental to the public welfare.

III.

The State Engineer has denied applications for irrigation use within the Muddy River Springs Ground Water Basin.⁵

RULING

The protest to the granting of Applications 37381 and 37382 is hereby sustained and Applications 37381 and 37382 are herewith denied on the grounds that the granting thereof would adversely affect existing rights and would be detrimental to the public interest and welfare.

Respectfully submitted,



Peter G. Morros
State Engineer

PGM/BD/bl

Dated this 8th day of
MAY, 1984.

⁴ NRS 533.370.

⁵ Public record in the office of the State Engineer.