

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATIONS 34565,)
34566, 34567, 34568, 34569 AND 34570 FILED)
TO APPROPRIATE THE PUBLIC WATERS OF)
AN UNDERGROUND SOURCE IN PLEASANT)
VALLEY, PERSHING COUNTY, NEVADA.)

RULING

GENERAL

Application 34565 was filed on November 4, 1977, by Joseph B. and Elinor Erni to appropriate 10.0 c.f.s. of water from an underground source for irrigation purposes on 320 acres of land within the SE1/4, E1/2 SW1/4 Section 35 and the W1/2 SW1/4 Section 36, T.29N., R.38E., M.D.B.&M. The point of diversion is described as being within the SE1/4 SE1/4 Section 35, T.29N., R.38E., M.D.B.&M.¹

Application 34566 was filed on November 4, 1977, by Kenneth B. Erni to appropriate 7.0 c.f.s. of water from an underground source for irrigation purposes on 160 acres of land within the W1/2 NW1/4 Section 1 and the E1/2 NE1/4 Section 2, T.28N., R.38E., M.D.B.&M. The point of diversion is described as being within the SW1/4 NW1/4 Section 1, T.28N., R.38E., M.D.B.&M.¹

Application 34567 was filed on November 4, 1977, by Leonard Preist to appropriate 7.0 c.f.s. of water from an underground source for irrigation purposes on 160 acres of land within the W1/2 NE1/4 and the E1/2 NW1/4 Section 2, T.28N., R.38E., M.D.B.&M. The point of diversion is described as being within the NW1/4 NE1/4 Section 2, T.28N., R.38E., M.D.B.&M.¹

Application 34568 was filed on November 4, 1977, by Patrick Leathers to appropriate 7.0 c.f.s. of water from an underground source for irrigation purposes on 160 acres of land within the SE1/4 Section 26, T.29N., R.38E., M.D.B.&M. The point of diversion is described as being within the SE1/4 SE1/4 Section 26, T.29N., R.38E., M.D.B.&M.¹

Application 34569 was filed on November 4, 1977, by Nancy Davis to appropriate 7.0 c.f.s. of water from an underground source for irrigation purposes on 160 acres of land within the E1/2 NE1/4 Section 35 and the W1/2 NW1/4 Section 36, T.29N., R.38E., M.D.B.&M. The point of diversion is described as being within the SE1/4 NE1/4 Section 35, T.29N., R.38E., M.D.B.&M.¹

Application 34570 was filed on November 4, 1977, by Gerri Davis to appropriate 7.0 c.f.s. of water from an underground source for irrigation purposes on 160 acres of land within the E1/2 NW1/4 and the W1/2 NE1/4 Section 35, T.29N., R.38E., M.D.B.&M. The point of diversion is described as being within the NW1/4 NE1/4 Section 35, T.29N., R.38E., M.D.B.&M.¹

¹ Public record in the office of the State Engineer under Applications 34565, 34566, 34567, 34568, 34569 and 34570.



Ground-Water Resources - Reconnaissance Series Report 23, "A Brief Appraisal of the Ground-Water Hydrology of the Dixie-Fairview Valley Area, Nevada", by Philip Cohen and D. E. Everett, was prepared cooperatively by the Geological Survey, U. S. Department of Interior, and the State of Nevada, Department of Conservation and Natural Resources, 1963. A copy of this report is on file in the office of the State Engineer.

FINDINGS OF FACT

I.

The State Engineer described and designated the Pleasant Valley Ground Water Basin on June 8, 1978, as a basin in need of additional administration under the provisions of NRS Chapter 534.²

II.

The recharge to the ground water basin is estimated to be 3000 acre-feet per year from precipitation. Of this amount, approximately 2200 acre-feet is discharged naturally through evapotranspiration with 800 acre-feet of subsurface outflow to Dixie Valley.³

III.

The total permitted and certificated existing rights in Pleasant Valley amount to 2098 acre-feet per year.⁴

IV.

Additional development of the ground water resource in Pleasant Valley within the perennial yield probably would have little effect on the available supply in Dixie Valley.⁵

V.

The approval of Applications 34565, 34566, 34567, 34568, 34569 and 34570 would authorize the withdrawal of 4480 acre-feet of water which would exceed the recharge to Pleasant Valley. "Perennial yield cannot exceed the natural recharge to an area and ultimately is limited to the maximum quantity of natural discharge that can be salvaged for beneficial use."⁶

² State Engineer's Order No. 715, June 6, 1978, public record in the office of the State Engineer.

³ Reconnaissance Series Report 23, Table 5, p. 23.

⁴ Public record in the office of the State Engineer.

⁵ Reconnaissance Series Report 23, p. 29.

⁶ Water Resources - Reconnaissance Series Report 46, "Water-Resources Appraisal of Mesquite-Ivanpah Valley Area, Nevada and California", by Patrick A. Glancy, 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, June 1968, p. 41.

If the upper limit for perennial yield is 2200 acre-feet, then exceeding this figure on a continual basis will result in water level declines until adverse conditions develop including, but not limited to:

- a. cones of depression
- b. reversal of ground water gradients which may cause migration of poor quality water into good quality zones
- c. land subsidence
- d. decreased flows at surface discharge areas (springs, seeps, etc.)

These conditions are well documented in several ground water basins in the State of Nevada where withdrawals have exceeded recharge or perennial yield.⁷

Information available to the State Engineer on the applications indicate that they were filed to support Carey Act segregations. There are no Carey Act land applications on file with the Nevada Division of State Lands in the names of the applicants under Applications 34565, 34566, 34567, 34568, 34569 and 34570. There are no applications on file with the Bureau of Land Management under the Desert Land Entry program for any of the proposed places of use under Applications 34565, 34566, 34567, 34568, 34569 and 34570.

CONCLUSIONS

I.

The State Engineer has jurisdiction of the parties and the subject matter of this action.⁸

II.

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

- A. there is no unappropriated water in 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.⁹

⁷ See Appendix of References.

⁸ NRS 533.025 and 533.030, subsection 1.

⁹ NRS 533.370.

III.

Because there are no filings with either the Division of State Lands or the Bureau of Land Management for Carey Act segregations or Desert Land Entries and because the proposed places of use are public lands, the applicants do not own or control the land described under the place of use of the applications and cannot demonstrate the ability to place the water to beneficial use.

RULING

Applications 34565, 34566, 34567, 34568, 34569 and 34570 are hereby denied on the grounds that their granting would tend to impair the value of existing rights and be otherwise detrimental to the public welfare and that the applicants do not own or control the lands to be irrigated and cannot demonstrate the ability to place the water to beneficial use and that the granting of these applications would not be in the public interest and welfare.

Respectfully submitted



Peter G. Morros
State Engineer

PGM/KN/bl

Dated this 11th day of
January, 1985.

APPENDIX OF REFERENCES

Land Subsidence in Las Vegas Valley, 1935-63, Information Series No. 5 U.S.G.S.

State of Nevada, Department of Highways, Report on Land Subsidence in Las Vegas Valley.

Evaluation of the Water Resources of Lemmon Valley with Emphasis on Effects of Ground-Water Development to 1971, J.R. Harrill, Water Resources Bulletin No. 42, United States Geological Survey and State of Nevada, State Engineer's Office, Division of Water Resources, Department of Conservation and Natural Resources, 1972.

Hydrologic Response to Irrigation Pumping in Diamond Valley, Eureka and Elko Counties, Nevada, 1950-65, J.R. Harrill, Water Resources Bulletin No. 35, United States Geological Survey and State of Nevada, State Engineer's Office, Division of Water Resources, Department of Conservation and Natural Resources, 1968.

Effects of Irrigation Development on the Water Supply Quinn River Valley area, Nevada and Oregon, 1950-1964, C.J. Huxel, Jr., Water Resource Bulletin No. 34, United States Geological Survey and State of Nevada, State Engineer's Office, Division of Water Resources, Department of Conservation and Natural Resources, 1966.

Hydrologic Response to Irrigation Pumping in Hualapai Flat, Washoe, Pershing and Humboldt Counties, Nevada, 1960-1967, J.R. Harrill, Water Resource Bulletin No. 37, United States Geological Survey and State of Nevada, State Engineer's Office, Division of Water Resources, Department of Conservation and Natural Resources, 1969.

The Effects of Pumping on the Hydrology of Kings River Valley, Humboldt County, Nevada, 1957-1964, G.T. Malmberg and G.F. Worts, Jr., Water Resource Bulletin No. 31, United States Geological Survey and State of Nevada, State Engineer's Office, Division of Water Resources, Department of Conservation and Natural Resources, 1966.

Effects of Ground-Water Development on the Water Regimen of Paradise Valley, Humboldt County, Nevada, 1948-1968, and Hydrologic Reconnaissance of the Tributary Areas, J.R. Harrill and D.O. Moore, Water Resource Bulletin No. 39, United States Geological Survey, 1970.

Ground-Water Storage Depletion in Pahrump Valley, Nevada-California, 1962-75, J.R. Harrill, Open File Report 81-635, United States Geological Survey, 1982, prepared in cooperation with Nevada Division of Water Resources.

Development of a Relation for Steady State Pumping Rate for Eagle Valley Ground-Water Basin, Nevada, F.E. Arteaga, T.J. Durbin, United States Geological Survey, 1978, prepared in cooperation with Nevada Division of Water Resources.

Basic Ground-Water Hydrology, Ralph C. Heath, U.S. Geological Survey Water Supply Paper 2220, 1983.

Methods of Determining Permeability, Transmissibility and Drawdown, U.S. Geological Survey Water Supply Paper 1536-1, R.H. Brown, J.G. Ferris, C.E. Jacob, D.B. Knowles, R.R. Meyer, H.E. Skibitzke and C.F. Theis, 1963.

Subsidence in Las Vegas Valley, John w. Bell, Nevada Bureau of Mines and Geology Bulletin 95.

Subsidence in United States due to Ground-Water Overdraft - A Review, J.F. Poland, Proceedings of the Irrigation and Drainage Division Specialty Conference, April 1973, American Society of Civil Engineers.