

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATION 47326)
FILED TO APPROPRIATE THE PUBLIC)
WATERS OF AN UNDERGROUND SOURCE IN)
PANACA VALLEY, LINCOLN COUNTY,)
NEVADA.)

RULING

GENERAL

Application 47326 was filed on October 17, 1983, by Jerry Reynolds to appropriate 5.0 c.f.s. of water from an underground source for irrigation purposes on 323.3 acres of land within the W1/2 Section 1, T.3S., R.67E., M.D.B.&M. The point of diversion is described as being within the NW1/4 NW1/4 Section 1, T.3S., R.67E., M.D.B.&M.¹

Water Resources Reconnaissance Series Report 27, "Ground-Water Appraisal of the Meadow Valley Area, Lincoln and Clark Counties, Nevada", by F. Eugene Rush, 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 is available for review in the office of the State Engineer.

Water Resources Bulletin No. 7, "Geology and Ground Water in the Meadow Valley Wash Drainage Area, Nevada, Above the Vicinity of Caliente", by David A. Phoenix and others, was prepared cooperatively by the State of Nevada, office of the State Engineer, and the U.S. Department of the Interior, Geological Survey. This report is available for review in the office of the State Engineer.

Panaca Valley is one of eight valleys in southeastern Nevada which are all a part of the Colorado River drainage system know as the Meadow Valley Area.

FINDINGS OF FACT

I.

Application 47326 is on lands associated with the Desert Land Entry Act and as such are subject to the priority as specified in NRS 533.357.¹

II.

By Order dated January 17, 1980, the State Engineer designated and described the Panaca Valley Ground Water Basin as a ground water basin in need of additional administration under the provisions of NRS Chapter 534.²

¹ Public record in the office of the State Engineer.

² State Engineer's Order No. 734, public record in the office of the State Engineer.

III.

The Panaca Valley is part of a drainage system which includes seven other basins. The basins in this drainage system include Patterson, Spring, Eagle, Dry, Rose, Panaca, Clover and Lower Meadow Valley. These basins, in downstream order, are hydrologically interrelated and therefore development of the ground water resource in one valley may intercept the supply of water that would reach the next valley down gradient. Therefore, consideration is given to the perennial yield of the entire drainage area. The preliminary perennial yield of the area is considered to be approximately 25,000 acre-feet.³

IV.

Existing certified and permitted ground water rights in the Panaca Valley Ground Water Basin total over 28,000 acre-feet per year. The existing certificated and permitted ground water rights in Patterson, Spring, Eagle, Dry, Rose, Clover Valleys and Lower Madow Valley Wash total over 28,000 acre-feet per year. Thus the total existing water rights in the drainage system exceed 50,000 acre-feet per year.¹

V.

The perennial yield of a ground water reservoir may be defined as the maximum amount of water of usable chemical quality that can be withdrawn and consumed economically each year for an indefinite period of time. If the perennial yield is continually exceeded, water levels will decline until the ground water reservoir is depleted of water of usable quality or until the pumping lifts become uneconomical to maintain.⁴

VI.

Ground water pumpage within Panaca Valley amounted to an estimated total of 13,552 acre-feet in 1982 determined by pumpage inventories conducted by the office of the State Engineer.¹

VII.

Ground water levels measured in six monitor wells within the basin have experienced declines during the period 1968 to 1983.¹

³ Water Resources-Reconnaissance Series Report 27, p. 26, public record in the office of the State Engineer.

⁴ Water Supply Paper 1832, p. 39, U.S. Geological Survey; NRS 534.100(4), public record in the office of the State Engineer.

VIII.

Application 46128 was filed to irrigate 40 acres of private land within Panaca Valley and as such, had a higher consideration over applications filed to irrigate lands under the Desert Land Entry program. Application 46128 was denied by State Engineer's Ruling No. 2865.⁵

CONCLUSIONS

I.

The State Engineer has jurisdiction of the parties and the subject matter of this action.⁶

II.

The State Engineer is prohibited by law⁷ from granting a permit under an application to appropriate the public waters 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.

III.

If Application 47326 is 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.

Additional withdrawal and consumption of the ground water resource would contribute detrimentally to an existing condition of declining ground water levels within the same basin.

This application to irrigate 323.3 acres would require an appropriation of as much as 1616.5 acre-feet of ground water annually.

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

⁵ Public record in the office of the State Engineer under Application 46128 and State Engineer's Ruling No. 2865.

⁶ NRS 533.025 and NRS 533.030, subsection 1.

⁷ NRS 533.370, subsection 3.

RULING

Application 47326 is herewith denied on the grounds that this appropriation of underground water for the irrigation of additional lands would tend to impair the value of existing rights and would be detrimental to the public interest and welfare within the Panaca Valley Ground Water Basin. The irrigation of additional lands within the Panaca Valley Ground Water Basin under these conditions is not considered to be a preferred use of the limited resource as provided under NRS Chapter 534.

Respectfully submitted,



PETER G. MORROS
State Engineer

PGM/KN/bl

Dated this 30th day of
May, 1985.