

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATIONS 48927,
48928 AND 48929 FILED TO APPROPRIATE)
THE PUBLIC WATERS OF AN)
UNDERGROUND SOURCE IN DIAMOND)
VALLEY, EUREKA COUNTY, NEVADA.)

RULING

GENERAL

I.

Application 48927 was filed on March 21, 1985, by Don Hull to appropriate 0.013 c.f.s. of water from an underground source for quasi-municipal purposes within Lot C of Parcel No. 8 of Lot No. 9, Section 29, T.20N., R.53E., M.D.B.&M. The point of diversion is described as being within Lot 9, Section 29, T.20N., R.53E., M.D.B.&M.¹

Application 48928 was filed on March 21, 1985, by Don Hull to appropriate 0.025 c.f.s. of water from an underground source for quasi-municipal purposes within Parcel No. 1 of Lot 9, Section 29, T.20N., R.53E., M.D.B.&M. The point of diversion is described as being within Lot 9, Section 29, T.20N., R.53E., M.D.B.&M.¹

Application 48929 was filed on March 21, 1985, by Don Hull to appropriate 0.025 c.f.s. of water from an underground source for quasi-municipal purposes within Parcel No. 1 of Lot 9, Section 29, T.20N., R.53E., M.D.B.&M. The point of diversion is described as being within Lot 9, Section 29, T.20N., R.53E., M.D.B.&M.¹

II.

Water Resources Bulletin No. 35 entitled "Hydrologic Response to Irrigation Pumping in Diamond Valley, Eureka and Elko Counties, Nevada, 1950-65", was prepared cooperatively by the U.S. Department of the Interior, Geological Survey, and the Nevada Department of Conservation and Natural Resources. This report may be reviewed at the office of the State Engineer.

III.

By Order No. 277 dated August 5, 1964, and Order No. 280 dated August 28, 1964, the State Engineer designated and described Diamond Valley Ground Water Basin under the provisions of NRS 534 (Conservation and Distribution of Underground Waters).¹

IV.

By Order No. 541 dated December 22, 1975, and Order No. 717 dated July 10, 1978, the State Engineer declared, under the provisions of NRS 534, that within the Diamond Valley Ground Water Basin, the ground water supply is being depleted in portions of the basin. Order No. 717 specified that all applications filed after December 31, 1978, to appropriate ground water for irrigation purposes will be denied.¹

¹ Public record in the office of the State Engineer.

FINDINGS OF FACT

I.

Certificates and permits have been issued for the appropriation of approximately 148,000 acre-feet per year of ground water within the Diamond Valley Ground Water Basin.¹

II.

The estimated perennial yield of the Diamond Valley Ground Water Basin is 30,000 acre-feet per year.²

III.

The Diamond Valley Crop and Water Survey reports for the years 1977 through 1984 estimated consumptive use of underground water for irrigation as continually increasing during these years from approximately 53,000 acre-feet per year in 1977 to 79,000 acre-feet per year in 1984.¹

IV.

In a water rights case, the decision of the District Court states in part that: "...The factual situation depicted by the record is simple. The Diamond Valley Basin, a designated basin, is having too much underground water withdrawn. It is overappropriated..."³

V.

The perennial yield of a hydrologic system is the maximum amount of water of usable chemical quality that can be consumed economically each year for an indefinite period of time. If the perennial yield is continually exceeded, ground 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. Perennial yield cannot exceed the natural replenishment to an area indefinitely, and ultimately is limited to the maximum amount of natural discharge that can be salvaged for beneficial use.⁴

Withdrawals of ground water in excess of the perennial yield contribute to adverse conditions such as water quality degradation, storage depletion, diminishing yield of wells, increased economic pumping lifts, land subsidence and possible reversal of ground water gradients which could result in significant changes in the recharge-discharge relationship. These conditions have developed in several other ground water basins within the State of Nevada where storage depletion and declining water tables have been recorded and documented.⁴

² Water Resources Bulletin No. 35, public record in the office of the State Engineer.

³ Nevada Ringsby Farms, et al, v. Peter G. Morros, State Engineer, et al, Case No. 3077, Seventh Judicial District Court, Eureka County, Nevada.

⁴ See attached Appendix of References.

VI.

Significant decreases in the elevations of the static ground water levels (i.e., the water table) in various regions in the Diamond Valley Ground Water Basin for the years 1950 through 1981, have been documented.⁵

VII.

Previous applications to appropriate underground waters from the Diamond Valley Ground Water Basin for quasi-municipal purposes have been denied.⁶

VIII.

The State Engineer is authorized to deny a new application without publication when a previous application for a similar use of water within the same basin has been rejected.⁷

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 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 interest.

III.

Consumptive use and appropriations of ground water from the Diamond Valley Ground Water Basin significantly exceed the perennial yield of this basin; the water table is declining; and the ground water reservoir is being depleted and is over-appropriated.

⁵ Transcript of the hearing before the State Engineer on May 24, 1982, in the matter of "Evidence and Testimony Concerning Possible Curtailment of Pumpage of Ground Water in Diamond Valley, Eureka County, Nevada", public record in the office of the State Engineer.

⁶ State Engineer's Ruling No. 3207 dated June 28, 1985, public record in the office of the State Engineer.

⁷ NRS 533.370(3).

⁸ NRS Chapters 533 and 534.

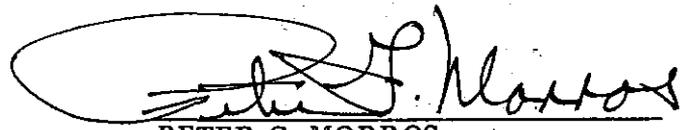
IV.

Approval of applications 48927, 48928 and 48929 will result in additional appropriation of ground water for quasi-municipal purposes in excess of the perennial yield of the basin.

RULING

Applications 48927, 48928 and 48929 are herewith denied on the grounds that approval thereof would adversely affect existing rights and would be detrimental to the public interest and welfare.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Peter G. Morros", is written over a horizontal line. The signature is enclosed in a large, hand-drawn oval.

PETER G. MORROS
State Engineer

PGM/RT/bl

Dated this 25th day of
July, 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.

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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.

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Ground-Water Hydraulics, S.W. Lohman, U.S. Geological Survey Professional Paper 708, 1979.