IN THE OFFICE OF THE STATE ENGINEER
OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION 76632 FILED)
TO APPROPRIATE THE PUBLIC WATERS OF AN)
UNDERGROUND SOURCE WITHIN THE GARNET) **RULING**
VALLEY HYDROGRAPHIC BASIN (216), CLARK)
COUNTY, NEVADA.) **#6282**

GENERAL

I.

Application 76632 was filed on January 16, 2008, by Ines Esquivel to appropriate 0.00277 cubic feet per second, not to exceed 2.0 acre-feet annually (afa) of underground water in the Garnet Valley Hydrographic Basin for commercial purposes. The proposed point of diversion is described as being located within the NW¼ SW¼ of Section 13, T.18S., R.63E., M.D.B.&M. The proposed place of use is described as being located within the NW¼ SW¼ of Section 13, T.18S., R.63E., M.D.B.&M.[1]

FINDINGS OF FACT

I.

The perennial yield of a groundwater reservoir may be defined as the maximum amount of groundwater that can be withdrawn each year over the long term without depleting the groundwater reservoir. Perennial yield is ultimately limited to the maximum amount of natural discharge that can be utilized for beneficial use. The perennial yield cannot be more than the natural recharge to a groundwater basin and in some cases is less. If the perennial yield is exceeded, groundwater levels will decline and steady-state conditions will not be achieved, a situation commonly referred to as groundwater mining. Additionally, withdrawals of groundwater in excess of the perennial yield may contribute to adverse conditions such as water quality degradation, storage depletion, diminishing yield of wells, increased economic pumping lifts, and land subsidence.[2]

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[1] File No. 76632, official records in the Office of the State Engineer.
[2] Office of the State Engineer, *Water for Nevada, State of Nevada Water Planning Report No. 3*, p. 13, Oct. 1971.

The United States Geological Survey estimates the perennial yield of the Garnet Valley Hydrographic Basin to be approximately 400 acre-feet.[3] The committed groundwater resource in the form of permits and certificates issued by the State Engineer to appropriate underground water from the Garnet Valley Groundwater Basin currently exceeds 3,300 acre-feet annually.[4] The State Engineer finds that existing groundwater rights in the Garnet Valley Hydrographic Basin exceeds the perennial yield of the groundwater basin.

II.

On January 29, 2014, the State Engineer issued Ruling No. 6256, which is incorporated into this ruling by reference,[5] which denied pending water right applications in the Garnet Valley Hydrographic Basin on the grounds, "that there is no unappropriated groundwater at the source of supply, the proposed use would conflict with existing rights in Order 1169 basins and the proposed use of the water would threaten to prove detrimental to the public interest in that it would threaten the water resources upon which the endangered Moapa dace are dependent." The State Engineer finds that the findings of fact and conclusions of law in Ruling No. 6256 are applicable to Application 76632.

CONCLUSIONS OF LAW

I.

The State Engineer has jurisdiction over the parties and subject matter of this action and determination.[6]

II.

The State Engineer is prohibited by law from granting an application to appropriate the public waters where:[7]

A. there is no unappropriated water at the proposed source;
B. the proposed use or change conflicts with existing rights;

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[3] F. Eugene Rush, *Water-Resources Appraisal of the Lower Moapa-Lake Mead Area, Clark County*, Nevada, Water Resources-Reconnaissance Series-Report 50, U.S. Geological Survey, p. 50.

[4] Special Hydrologic Basin Abstract, Water rights Database, Basin 216, June 10, 2014, official records within the Office of the State Engineer.

[5] State Engineer's Ruling No. 6256, dated January 29, 2014, official records in the Office of the State Engineer.

[6] NRS Chapters 533 and 534.

[7] NRS § 533.370(2).

C. the proposed use or change conflicts with protectable interests in existing domestic wells as set forth in NRS § 533.024; or
D. the proposed use or change threatens to prove detrimental to the public interest.

III.

Application 76632 requests the appropriation of underground water for commercial purposes from the Garnet Valley Hydrographic Basin where there is no water remaining to be appropriated. The State Engineer concludes that there is no unappropriated water at the source of supply. The State Engineer concludes that the approval of Application 76632 would adversely affect existing water rights within the groundwater basin while threatening to prove detrimental to the public interest; therefore, Application 76632 is subject to denial.

RULING

Application 76632 is hereby denied on the grounds that there is no unappropriated water at the source of supply, the proposed use would conflict with existing water rights and the proposed use threatens to prove detrimental to the public interest.

Respectfully submitted,

P.E.

JASON KING, P.E.
State Engineer

Dated this 27th day of
June, 2014.