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- CONSPIRACY - MALFEASANCE -

-NEGLIGENCE-

THE DIAMOND VALLEY WATER BASIN

AND

THE DESTRUCTION OF DIAMOND SPRINGS

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If it is true a picture is worth a thousand words, it must be true too, sometimes a one can be worth several thousand words. The modern versions such as the a camcorder and television are having an ever increasing influence on our lives and our perception of facts as they are presented to us. When this medium is unavailable but still photographs are you go with what you have.

The photographic presentation here is an effort not only to replace several thousand words, but to prove and enhance the written effort behind it. Some may consider the narrative portion amateurish, bombastic and visceral, others have voiced a different opinion. Given this divergence of thought the photographs are even more important to address the doubts and suspicions of those who may consider the written segment a gross exaggeration. On two different occasions individuals have incredulously stated, "I can't believe the State Engineer would do something like that." Others have claimed he couldn't do that because it is against the law. Well, welcome to the real world.

There are gaps in the presentation, but on the whole everyone should be able to see what has happened and if there is an error in the written portion it is an error of understatement. Some photographs date back over seventy, ninety, or more years, more recent ones were not taken with the idea they would be used as evidence at some future date at least not in the context presented here. Many times when a missing picture is needed memories come back that it was almost taken, but "an almost taken memory" cannot be turned into a photograph. The reasons they were not taken seem trivial today; hindsight and regrets are often greater than twenty-twenty. A puppy's sharp teeth will do amazing things to a box of irreplaceable old pictures, negatives and slides. Hot soapy water accidentally splashed on stacks of prints both black and white and colored will turn them into blocks of paper and they remain blocks of paper no matter how many days they are socked afterward.

Lack of funds either to repair a broken camera or to purchase a new one has left a gap from July 1986 to 1991. Procrastination and reluctance to dip into limited funds necessary to complete this project caused delay. The failure of necessary equipment to arrive on time not only caused further delays but made it imperative to begin again with an entirely new approach. Serious problems in obtaining copies from both negatives, slides and old pictures led to more lost time. Despite everything the photographs document what has been done to this historical old ranch and valley. There are many more pictures not included and backing them all is 16 mm moving film taken in the 1950's.

Originally this booklet was composed of two separate ones, each complimented the other and each was dependent on the other. Then with an over thirty day delay getting final pictures needed the time was used to combine the two into one. The photographic section is first and is followed with a selection of

supporting documentation found for the most part in Division of Water Resource files.

While writing about this problem this past year it was said several times that the State of Nevada and its State Engineer violated the law when they allowed and encouraged the Diamond Valley development to take place. Even if this was done accidentally and done in good faith as the present State Engineer, R. Micheal Turnipseed would like us to believe what has been done to this valley by the State of Nevada is still a crime. However it was no accident, but was a deliberate contrived scheme that originated in the State Engineer's Office and ran all the way up through the Attorney General into the Governor's Office. Judging from recent events the same mind set that existed in the late fifties and early sixties is still alive and well in the Department of Conservation and Natural Resources and in Nevada State Government in general.

The record shows that the Diamond Valley Water Basin is without a doubt the most over-appropriated water basin in the State of Nevada with possibly 176,000 plus acre/feet of water rights on probably less than 16,000 acre/feet of recharge in an average year to a maximum of 23,000 acre/feet of recharge in a good year. Anyone familiar with Nevada knows it is a high desert state, the driest state in the union and drought years far exceed wet ones.

The record shows not only is the State Engineer guilty of malfeasance and gross negligence but he and his office with advise from the Attorney General's Office is engaged in an ongoing insidious conspiracy to keep what has been done to the Diamond Valley Water Basin under wraps and out of the news and away from public scrutiny.

The record shows that on every occasion when the State Engineer had the opportunity to bring some meaningful and practical control to the Diamond Valley Water Basin he has refused.

The record shows the State Engineer has refused to maintain a continuous and comprehensive monitoring program on the pumping rates and draw down of the water level in the Diamond Valley Water Basin and blames this on the Nevada legislature for refusing to appropriate the necessary funds to do the job.

The record shows that during 1982 hearings held in the Eureka County Courthouse, Eureka, Nevada, the State Engineer, Peter G. Morros, went so far as to solicit a petition and signed statement from the permitted rights holders stating that they did not want him to regulate or cut back pumping within the Basin.

The record shows these pumping permittees gladly obliged. Many thought it was funny that one of the old residents with free water and first right to valley water had lost it and were delighted when the State Engineer Peter G. Morros told them he was precluded by law from doing anything about it.

The record shows with these petitions in hand Mr. Morros

went out of his way to comply with their wishes including the cancellation of his order to put water meters on all irrigation wells within the basin.

The record shows thereafter he claimed he had "insufficient evidence" to prove any well was not being used. Adding to this deception the State Engineer claimed he had neither the funds nor the personnel to monitor the valley and has repeatedly blamed this alleged lack of funds on the legislature.

The record exposes this for what it is, a bold faced lie, a deceitful tactic to avoid responsibility, to cause delay and to suppress and destroy evidence. The Law states the State Engineer has the duty and authority to raise the necessary funds to monitor water basins and also had and has the statutory authority and obligation to hire the personnel to collect the necessary data on a water basin.

The record shows that the State Engineer has brought forfeiture proceedings against several well and pumping permits in the Diamond Valley Water Basin. It also shows these actions were a waste of everyone's time and tax money. It is evident from comments made by the State Engineer and actions taken since these hearings were nothing more than subterfuges and his office had no intentions following through with any forfeitures because of five years of nonuse. Despite the State Engineer's claim ten of thousands of acre/feet of water rights have already been forfeited in the Diamond Valley Water Basin a check of records prove otherwise.

The record shows the State Engineer has given preferential treatment to permitted rights and discriminated against the most senior and vested rights in the Basin.

The records show the State Engineer planned to and did destroy those rights and then claimed he was precluded by law from doing anything about it.

The record shows while the State Engineer claims he is precluded by law from protecting vested rights in the Diamond Valley Water Basin he has also refused to protect senior permitted rights from the ravages of the severe overdraft taking place.

The record shows the State Engineer has not only refused to follow the provisions in Nevada Water Law mandating him to recognize prior rights and take no action that will damage those rights but has also continues to ignore Case Law.

The record shows the State Engineer and his personnel have repeatedly lied about Diamond Valley and when caught attempt to cover the first lie with a second.

The record shows that instead of fulfilling his obligations under the law, the State Engineer has engaged in a series of delaying tactics and outright chicanery to cover up his and the State of Nevada's violations of civil rights guaranteed under law, the Nevada Constitution and the United States Constitution.

The record shows that all holders of these offices swore an oath when they entered office to uphold all the laws of the State. It logically follows therefore all who have been involved

in Diamond Valley pertaining to the water problem have violated their oath of office along with the laws of the State.

The record of the State Engineer's conduct in fulfilling his obligations in the Diamond Valley Water Basin may rank among the most reprehensible cases of abuse of discretionary authority and power by any state agency. It is entirely possible that the Diamond Valley scandal is the worst example of abuse of power, discretionary authority, violation of prior rights and Nevada Water Law in our State's history. Is it also possible and probable this documented abuse is indicative of much wider malaise, a pervasive attitude throughout state agencies and our legal system that they are above the law?

Can we say with any certainty that the State learned from its mistakes in Diamond Valley and opted to mended its wayward ways? Has it made any effort to address past wrongs or would it be closer to the truth to say the Diamond Valley debacle has been used to refine its effort to circumvent the law in a more devious manner? The question then comes to the forefront are we as citizens going to sit idly by while special interests, power, money and other possible corrupting influences control our state, trample on our rights and destroy large areas of our state in the process? If we don't agree with what is taking place what are we going to do about it?

The state legislature convenes the third Monday of January 1993, water and the lack of it is going to one of the main topics of discussion. As in the past the State Engineer will walk into a committee hearing, tell them what he does or doesn't want, then walk out and continue his violations of the law and individual rights by wrapping himself in a self righteous, false cloak of supremacy claiming the king can do no wrong and his actions are justified because it is for the public good. What is his definition of public good and where in Nevada law, the Nevada Constitution or the United States Constitution is there a provision granting any state or federal agency the power to confiscate private property and violate constitutional rights without compensation or due process?

If we in the State of Nevada don't pay attention this time around we will end up with more of the same and there is a strong possibility we will end up worse off than we are now. It is not that we do not have good water laws already enacted but because we have a runaway bureaucracy with little or no oversight from the lawmakers. One legislator voiced the general attitude of the legislature as being, "If it ain't broke don't fix it." Under the circumstances can we say the only reason they've failed to notice, "It ain't broke and don't need fixin'," is because they don't want to make the effort to see?

This frustrating odyssey get to the bottom of the State Engineer's true intentions and to gain redress of personal and property damage began in September of 1981. The overwhelming evidence in conjunction with information supplied by former personnel from within the State Engineer's office involved in the plan indicate the State Engineer and the Office of Attorney

General have an ongoing conspiracy to delay any adjudication of rights in the Diamond Valley Water Basin until the owner of the most senior rights has been completely destroyed by that delay.

This plan is an attempt to avoid liability the State of Nevada has for the damage it has caused to private property in the Diamond Valley Water Basin and to insure getting away with stealing that private property and the vested water rights attached to it. As part of this plan and in addition to it the State Engineer has allowed the federal government to apply on vested rights waters while denying the owner of those vested rights the same opportunity to perfect those rights.

This scheme too bears the mark of the Office of Attorney General and has a two fold purpose. First the State Engineer by allowing a governmental agency to apply on water on which it has no legal standing while denying the only one with legal standing the right to do so is thereby laying the ground work for a legal challenge if and when the damaged party has the funds to do so. Secondly if and when the case ever got to court his action would further cloud the issue and cause long time consuming prohibitively expensive delays by pitting the individual not only against the State Engineer and the State of Nevada but against the BLM and federal government as well.

Then if by chance a state judge was willing to see through the Attorney General's and the State Engineer's scheme and threw out the federal claims, the federal government and its agencies would appeal to the Nevada Supreme Court which is controlled by forces opposed to the western ranching industry. In fact one of the justices is a former national president of the National Wildlife Federation. The National Wildlife Federation, has a stated goal of driving all ranchers dependent upon the western range land out of business.

It has been claimed by legal counsel it would be next to impossible to get a Nevada judge to hear such a case as this against the State Engineer. The State Engineer, they claim, would merely walk into the court and tell the judge the state legislature will not give him enough money and the judge would throw the case out of court.

Even the 1982 hearings which were officially called to gather "Evidence and Testimony Concerning Possible Curtailment of Pumpage of Ground Water in Diamond Valley, Eureka County, Nevada," was a calculated lie. To help illustrate the outrage of it all during the hearings when State Engineer Peter G. Morros didn't want something on the record he would place his hand close to the table and point one finger at the court reporter who would then stop recording. At the same time Mr. Morros, who controlled the tape recorder, would push the stop button When he wanted to go back on the record he would reverse the process. These signaled stoppages were not acknowledged in the transcripts of the hearings, however more than one individual saw what was taking place.

One lawyer stated afterward that the 1982 hearings weren't

legal hearings anyway. If this is true, why were they called, were the hearings themselves part of the conspiracy, the cover-up? Were they, as Mr. Morros's conduct suggested, nothing more than an undisguised psychological effort to pit the vested rights against permitted by repeatedly making reference to "Mr. Thompson's problem" and falsely implying he had sympathy for his plight?

A similar tactic was successfully used in the 1970's when the water level in the farming-pumping area of the valley began to show serious damage and one farmer began suing the other. At that time even though the State Engineer, Roland Westergard, had ample evidence several thousand acres were out of compliance and had every legal right and obligation to protect prior rights, merely issued new permit numbers on wells which owners thought might be out of compliance. Even this was done on a voluntary basis, some went to the expense of obtaining new numbers and others ignored the process keeping their original permit numbers. Thus with this bit of duplicity the mining, the depletion of and damage to the Diamond Valley Water Basin not only continued and but increased.

Last and certainly not least the records show the destruction brought down upon the Diamond Valley Water Basin has been financed with tax dollars provided by the federal government through the USDA and its Farmers Home Administration. The records also show FmHA officials were and are cognizant of what was and is being done to the valley. The records show they have already thrown millions tax dollars away and that these losses will not only continue but will greatly increase in the next few years.

The preceding is a condensed version of what has taken place in Diamond Valley at the hands of the State Engineer. But prior to getting into the photographs themselves a short discussion is necessary to clear up erroneous printed accounts of history pertaining to the actual location of the subject of this project, Diamond Springs.

In the original introduction an old map of Nevada out of the 1800's was mentioned which named Huntington Valley and Huntington Creek east of Diamond Valley as the Valley of the South Fork and Huntington Creek as the South Fork of the Humbolt. This same old map named what has been referred to in this project as Diamond Springs as Taft Creek and the area one half mile north as Diamond Springs. Until Diamond Valley began drying up there were probably over eighty springs and seeps there but nothing of sufficient volume to flow more than a few yards away from its source. It was for the most part a marshy meadow. It was not as a 1976 BLM and one other account claims the former Pony Express and stage line station.

This station, Diamond Station and Diamond Springs, was located at the source of flowing water one half mile to the south the old map named Taft Creek. Even the first trans-continental telegraph line passed one hundred and fifty yards west of Diamond Station and cut across both sloughs a few yards

east of the point of convergence of the streams from the north and south branches of the springs.

When the water began to dry up an old original milled telegraph pole was uncover where it had fallen over into the swamp and was preserved by the water and mud. Therefore the exact location of where the line came through the area is known. Several old rams horn insulators have also been retrieved from the mud of the ponds and sloughs. A half mile further southwest there is still old telegraph line laying in the brush. Some of it was used as fence wire on the near by fence where it still is today. There was, however, a line running to the Cox Ranch for the operation of a key. The original building there was a frame structure for the telegraph equipment and living quarters for the linemen. The stone cabin spoken of in print was built later.

When the first transcontinental line was built Diamond Springs was already occupied therefore the living quarters for linemen and equipment was located one half mile further north. The name sake of the Cox Ranch, William Frances Cox moved from the east to take over as the operator and lineman shortly before the line was abandoned. When it was he stayed on and homesteaded the land the living quarters and telegraph office were on. Thus it became known as the Cox Ranch.

The Cox Family did not use any of the nearby springs for domestic water but had a hand dug well about one hundred feet east of the stone cabin. Sir Richard Burton on October 9, 1860 said this about the Pony Express Station:

> **"The station is named Diamond Springs, from an eye of warm but sweet and beautifully clear water bubbling up from the earth. A little below it drains off in a deep rushy ditch, with a gravel bottom containing equal parts of comminuted shells: which we found it an agreeable and opportune bath. . ."**

Since it is well documented the station was located at the flowing springs one half mile south of the Cox Ranch it follows the name used by Sir Richard Burton on October 9, 1860, Diamond Springs, was correct and common sense tells us this too.

If the station had been located at the Cox Ranch as claimed in the BLM and Edna Patterson account it would have meant a mile detour to get off and on the trail or pass over wet swampy ground in the spring through fall and mud, water and ice in winter. This would not have taken place, time and distance were too precious not only would going through the marshy area have been dangerous and slowed down the horse, it would have sapped his strength as well. Therefore to put history straight, Diamond Springs is the true name of the home ranch portion of the Thompson Ranch.

Apparently the original residents or station keepers may have been named Wines not Taft. We do know the Tafts bought the ranch at a much later date. If Wines were not the original

station keepers they were one of the earliest owners and apparently raised horses while they owned it. Horse Canyon immediately south and east of Diamond Springs probably got its name during the days when these early settlers raised and sold horses.

Sir Richard Burton's account and those of the riders themselves are about the only portions of the Bureau of Land Management's fiasco that are factual. The BLM's little tale about Diamond Springs even begins with a misstatement. The quote used from the Captain Simpson's "May 20, 1859" journal entry is a description of a spring his party watered at in the very center of the valley named Skillman and was not Diamond Springs. If the BLM's writer had bothered to check her facts and do a little basic math she would have discovered Captain's Simpson's Party journeyed three miles down from what he called Cho-kup's Pass, Overland Pass, through the We-a-bah Mountains, Mountains of the Night Bird and Diamond Mountains as we know them today. He then camped "in splendid and abundant grass, near the small stream which comes down the pass."

She would have discovered that on May 20, 1859 he broke camp and "In one mile reach foot of pass in Pah-hun-nupe, or Water Valley." We now know this as Diamond Valley and she would have then discovered that the "Six and eight-tenths miles farther brings us to a large spring, in marsh, where we water," put the party in the center of the valley not at Diamond Springs. As a note of interest during the probation era a still was supposedly hidden at this spring. This spring too has dried up because of over-pumping from the Diamond Valley Water basin.

Geographically Diamond Valley is located in east-central Nevada or more precisely within latitudes 39° 27' and 40° 15' North, and longitudes 115° 47' and 116° 12' West. The valley is an elliptical shaped basin 55 to 60 miles long by 12 to 15 miles wide completely surrounded by mountains. All of the valley is located in Eureka County except about four miles in the extreme north end which spills over into Elko County. White Pine County is on the east beginning at the divide atop the Diamond Mountains.

The Diamond Mountains border the east side and the Sulfur Range, Whistler Mountain and the Mahogany Hills are on the west and southern portion. Entry into the valley without crossing over the mountains can be gained through two narrow ancient river gorges. Highway 50 passes through the inlet, Devils Gate on the southwestern corner. Railroad Pass, the outlet on the northeastern end of the valley, lays in a west to east position opening into Huntington Valley. This ancient river channel then turns north and joins the South Fork of the Humbolt River in the vicinity of the South Fork Dam.

A perennial stream, Huntington Creek, exists in the channel. Old maps of Nevada named this stream the South Fork of the Humbolt and Huntington Valley was the Valley of the South Fork. It has been said some geologist claim Huntington Creek is actually a leak from Diamond Valley in the vicinity of the

Thompson Ranch. The headwaters of the stream are about two miles north of Diamond Springs and on the eastern foot of the Diamond Range close to the upper and southern end of Huntington Valley.

According to the United States Geological Survey there are 275,000 surface acres in what they refer to as the South Diamond Subarea and 194,000 acres in the North Diamond Subarea. The division line between these two areas roughly parallels the Sulfur Springs Road which begins about one mile south of the Thompson or Diamond Springs Ranch laying at the western foot of the Diamond Mountains on the east side of the valley. This imaginary line terminates on the west side of the valley about two miles south of the Romano Ranch. According to some geologists a fault line bisects the valley roughly in the same location. If the total of these two areas is divided by 640 acres, one section, it equals approximately 730 square miles.

Early studies estimated the average annual recharge ranged from 16,000 to 23,000 acre/feet. With these early estimates in hand the State Engineer allowed, according to a 1963 in house study, 176,108.21 acre/feet of permitted subsurface and surface rights on that recharge. Of this 176,108.21 acre/feet of surface and subsurface rights he allowed 164,362.45 acre/feet of subsurface rights to irrigate over 35,000 acres of land taken up under the Desert Land Entry and Pitman Acts in the South Diamond Subarea.

This figure conflicts with the 127,526 acre/feet of water rights State Engineer Peter G. Morros, claimed in sworn testimony existed in the valley in December 1988. The present official total compiled by the Division of Water Resources on file with the Eureka County Assessor's office is 136,000 acre/feet of taxable subsurface water rights alone exist in the Diamond Valley Water Basin.

Approximately 2,774 acre/feet of this total exists in the North Diamond Subarea and it should be emphasized several thousand acre/feet of prior surface rights exist on top to this 136,000 acre/feet bringing the total acre/feet of water rights on the 16,000 to 23,000 acre/feet of recharge close to 150,000 to 160,000 acre/feet by using the 136,000 acre/feet figure.

A small amount of acreage, probably less than a 1,000 acres in the southern portion of the valley has been converted to other uses and does not show up in this inventory although much of it still uses water under municipal classification.

The State Engineer made no mention of prior and first rights on surface water in his testimony. Does this mean he allowed the number of taxable subsurface rights to increase after his December 1988 testimony or was he committing perjury? On August 31, 1992 he was named in his capacity as State Engineer as a defendant in a water rights suit

where racketeering is alleged.

Mr. James R. Harrill of the Carson City USGS office claims in "DWR Bulletin No. 35" 9,000 acre/feet enter Diamond Valley from beneath the Sulfur Mountains and then used this assumption to claim Diamond Valley actually has a recharge of 30,000 acre/feet not 21,000 acre/feet. It is a little puzzling if not suspicious why he dismissed the possibility water is actually being discharged into Huntington Valley through the Diamond Mountains from Diamond Valley.

The USGS does state though in its 1965 report, which came out in 1968, ninety-five percent of the recharge into the Basin was discharged in the North Diamond Subarea and area of prior and vested rights.

If the State Engineer had recognized prior rights in the valley as the law mandates he would have only had enough excess water in the Basin for two or three sections of land to be taken up under the Pitman and Desert Land Entries Acts or eighteen hundred to two thousand acres maximum. Instead over thirty-five thousand acres of land were taken up and Diamond Valley set out on the road to disaster.

Another way and possibly the best way of pointing out the absurdity of what the State of Nevada has done to Diamond Valley is with a direct comparison the Humbolt River Basin.

The Humbolt River Basin encompasses 16,100 square miles beginning at Wells, Nevada in northeastern Nevada and ends three hundred miles downstream at Lovelock, Nevada in Pershing County approximately ninety miles east of Reno, Nevada. The average recharge to the Basin is 260,000 acre/feet but there are 690,000 acre/feet of decreed water rights. Lovelock farmers own both the first and second rights in the Humbolt Decree dating from 1861 and 1862 totaling 134,000 acre/feet. They also own 194,000 acre/feet of storage rights in the Rye Patch Reservoir, however they can only use 134,000 acre/feet of that 194,000 acre/feet of storage. The rest of the rights are scattered along the Humbolt River between Wells, Nevada and Lovelock, Nevada.

Diamond Valley in comparison is tiny encompassing 470,000 acres and around 730 square miles. The lion's share of this acreage constitutes the valley floor which contributes little or nothing to the annual recharge. Unlike the Humbolt system which uses the same water over and over again water from the Diamond Valley Water Basin for the most part is used once. However some reports claim a portion of the water is recirculated but common sense tells us not nearly as much is recirculated as claimed. The elevation in farming-pumping area of the valley is nearly 6,000 feet and has less than six inches of rainfall per year. Wind is an ever present fact of life in this high desert valley, coupled with the type of irrigation used, sprinkler, much of the water pumped from the Basin never hits the ground. It evaporates and is blown out of the valley.

Put differently Diamond Valley with its total surface area of 730 square mile may have 176,108.21 acre/feet of rights both surface and subsurface on approximately 16,000 to 23,000 acre/feet of recharge. If the ninety-five percent naturally discharged water in the north end of the valley is removed there are still 164,362.45 acre/feet of subsurface rights on approximately 2,185 acre/feet of water that didn't have a prior vested right on it.

Presently there is a scheme afoot concocted by speculators to do the same thing to the Humbolt River Basin as has been done to Diamond Valley. This group has apparently applied for the rights to extract an additional 260,000 acre/feet water from the Humbolt River Basin which is already severely over-appropriated. They claim they are going after the so-called deep water aquifer and extraction of that water will have no effect on water closer to the surface. Some have claimed the USGS strongly disputes this contention. Both Diamond Springs and the Shipley Hot Springs on the west side of the valley are considered part of this deep water aquifer. Las Vegas has hired the USGS to monitor these two springs and those in White Pine County considered part of the same deep water aquifer. Diamond Springs has been destroyed by pumping water near the surface and these speculators expect us to believe pumping 260,000 acre/feet of water every year from this same aquifer will have no effect on ground water closer to the surface or surface water.

On one point we can be fairly certain Diamond Valley is the most over-appropriated water basin in the State of Nevada; very likely it also holds the dubious honor of being the most flagrant violation of Nevada Water Law and prior rights in the history of this state.

Even the summer weather patterns in the valley have been changed by all the humidity generated from the sprinkler irrigation in the south end of the valley. Summer storms that naturally moved into the valley from the southwestern corner to the northeastern corner and were triggered when clouds backed up against the northern portion of the Diamond Mountains are now diverted east and west of the valley.

This phenomena can be seen taking place any summer day when there is thunder shower activity in the area. Even on borderline days when under normal conditions when there would only be clouds this humidity often triggers showers mostly in the farming area itself or just out of the valley to the south and east or north along the west side of the valley or west of the Sulfur Mountain Range down Garden Valley. The storm shown in the following pictures reacted in this manner.

Some days Diamond Valley caused clouds spiraling thousands of feet into the sky can be seen all the way from the Fernley area just east Reno more than two hundred miles away. On other days when traveling either east or west toward the Town of Eureka, Nevada on Highway 50 this moisture can be seen blowing south out of Diamond Valley over the top of Ruby Hill forming

huge black thunder heads on the south side of the mountain and in Fish Creek Valley to the immediate southeast of Diamond Valley.

The first page of the photographic presentation contains 3" X 5" pictures showing this weather modification taking place. These photograph were taken from Diamond Springs looking south and southwest. They have no captions but should speak for themselves.

A second page of uncaptioned 3" X 5" photographs is included under "Land Subsidence." These four photographs were taken in June of 1982 following the first hearing held allegedly to gather evidence and testimony on possible curtailment of pumping within Diamond Valley. These are pictures of four springs out of two hundred or more that existed off the south end of the playa between the Thompson Ranch on the east side of the valley and the Romano Ranch on the west side of the valley. Probably only four or five have water anymore. Before they were destroyed this area was a stopping point for migrating geese and ducks in the spring and fall. The motorcycle is included in the photographs for scale. Close observation of these pictures reveal dead sod and large cracks through and around these former springs. Many were high mounds and the water flowed from the top. Now they have collapsed into holes. Others were good sized ponds with cattails and tules which supported ducks and other small water fowl through spring, summer, and fall. Diamond Springs which was thermal water supported several hundred ducks all winter.

THE DESTRUCTION OF DIAMOND SPRINGS

* * * *

PHOTOGRAPHS

This north facing picture was taken January 1985 from a peak southeast of the home ranch and is included for orientation purposes. The Cox Ranch is the second set of trees. Note the two juniper trees in lower left corner and the line running from lower left corner on the immediate left of these trees toward the upper right corner. This is the eastern property line. If extended it would pass approximately seven miles west of Elko, Nevada. If a similar north line was extended from the western edge of the ranch located across the valley where the mountains begin on the left side of the picture it would pass in the vicinity of Boise, Idaho. A west line from this peak would pass about 18 or 20 miles north of Reno, Nevada.

The Box Springs Ranch is located six and one half miles north of the home ranch or Diamond Springs at the western foot of the mountain in the upper right corner on the skyline. This was the home of Andrew Crofut who wrote a history of the three families on these three ranches. The Jacobsens at Diamond Springs, the Coxes on the Cox Ranch and the Crofuts-Dibbles on the Box Springs Ranch. This history can be found in the Special Collections Section of the Noble H. Getchell Library on the University of Nevada Reno campus and in the Nevada State Library in Carson City, Nevada. Several other copies are owned by various family members throughout Nevada and California.

Diamond Springs, July 1985, west-southwest. Desert Land Entry Act farms can be seen upper left. The Overland Trial, Pony Express and Stage Route can be seen entering the picture lower right corner then curves west in the brush above the left side of the trees left. The first transcontinental telegraph line crossed behind the lone tree then curved west around the meadow and paralleled the Overland Trail.

This was taken by a European couple crossing the country on the Pony Express Trail. The springs were at a near static point at the level shown. On March 10, 1982 a few days after this picture was taken James R. Harrill of the USGS estimated the leakage from reservoir at around 130 gpm. Under normal conditions the pressure was capable of adding at least six feet of water on top of what is shown. The north spring was the only one with sufficient levee height to contain water at that level and that was prior to 1967.

1961 or '62 west-northwest photo of the south branch of Diamond Springs taken by Joyce Thompson Aiazzi. Note ducks on water.

November 1992, water has given way to Canadian thistle. What little water left had stopped flowing at this time.

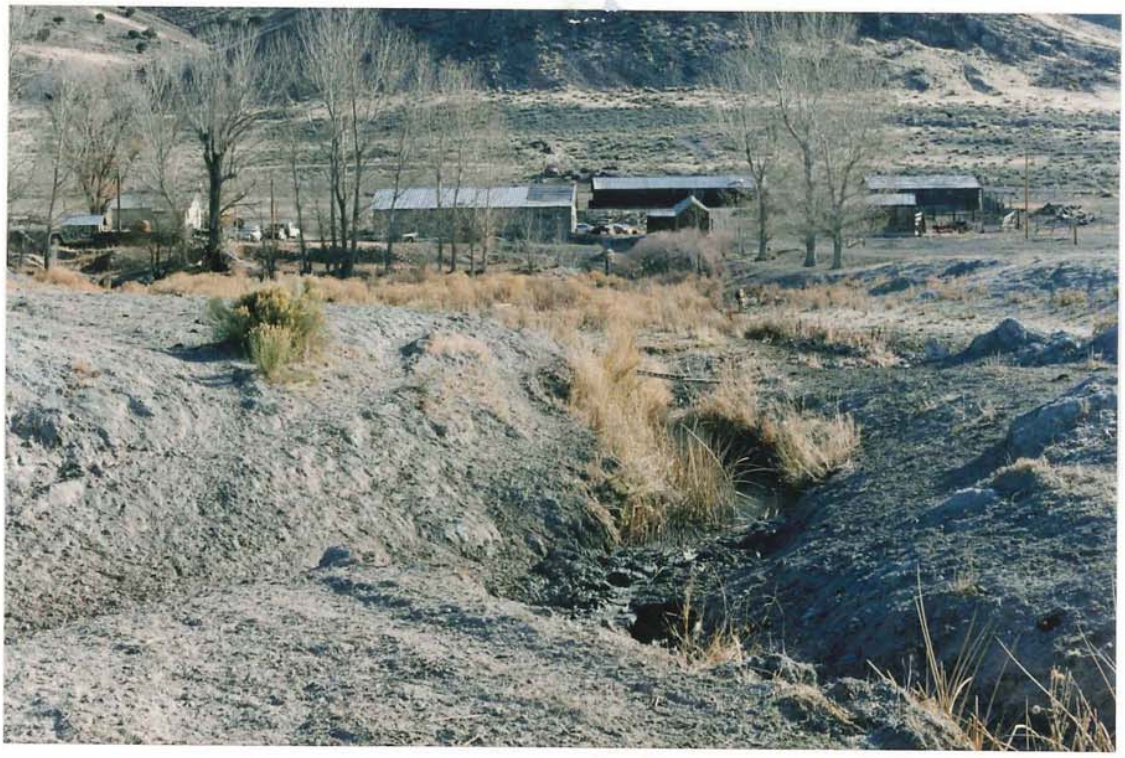
This 1971 east facing picture was taken diagonally from the previous picture.

Approximately the same view taken the summer of 1982.

Same as previous two pictures taken in November of 1992.

November 1992 facing west. Under normal conditions the pressure from the springs was capable of raising the water level higher than the iron rail protruding from the top of the concrete block and seen on the left.

The headgate in the previous picture is off the right side of this one. What appears to be water in the ditch is frozen mud and ice. Under normal conditions this south spring had a temperature of 74°F to 75°F. Springs had stopped flowing and the little water left was frozen.



This picture was taken mid September 1992 around one hundred yards west of the previous photograph. Note the dead fish in the ditch and the flume in the upper left. This ditch runs east to west.

This east facing view is about two hundred and fifty yards farther west and one hundred yards south of the preceding photograph. The ditch shown branches off and turns south twenty yards passed the flume. The white colored piles of dirt seen up the ditch toward the buildings are the same as the ones in the next photo.

This 1986 photograph show the extreme measures required to get what little water was left at that time to the meadows. Note how far the water level was below the meadow.

This was taken 180° from the previous one and shows again how far the water was below the meadow. The backhoe was used to indicate scale. This was the second effort necessary to deepen this ditch with the backhoe to get the water to the meadow.

This November 1992 east-northeast panorama shown here was taken approximately two hundred and fifty yards to the west-southwest of the previous photograph. The piles of dirt shown in the previous two pictures can be seen below the house and slightly to the left. The bare area center-foreground was a patch of tules in a seasonal spring. Now the entire meadow is being destroyed by lack of water and gophers. Soon it will be covered with rabbit brush.

This May 1983 picture was the last attempt to irrigate the meadows in this manner. It soon became obvious it was a losing proposition and the water was going to eventually dry up completely. The view is south-southeast.

This was taken the same day approximately one half mile west of the ditch and dam show above. The view is east and slightly southeast.

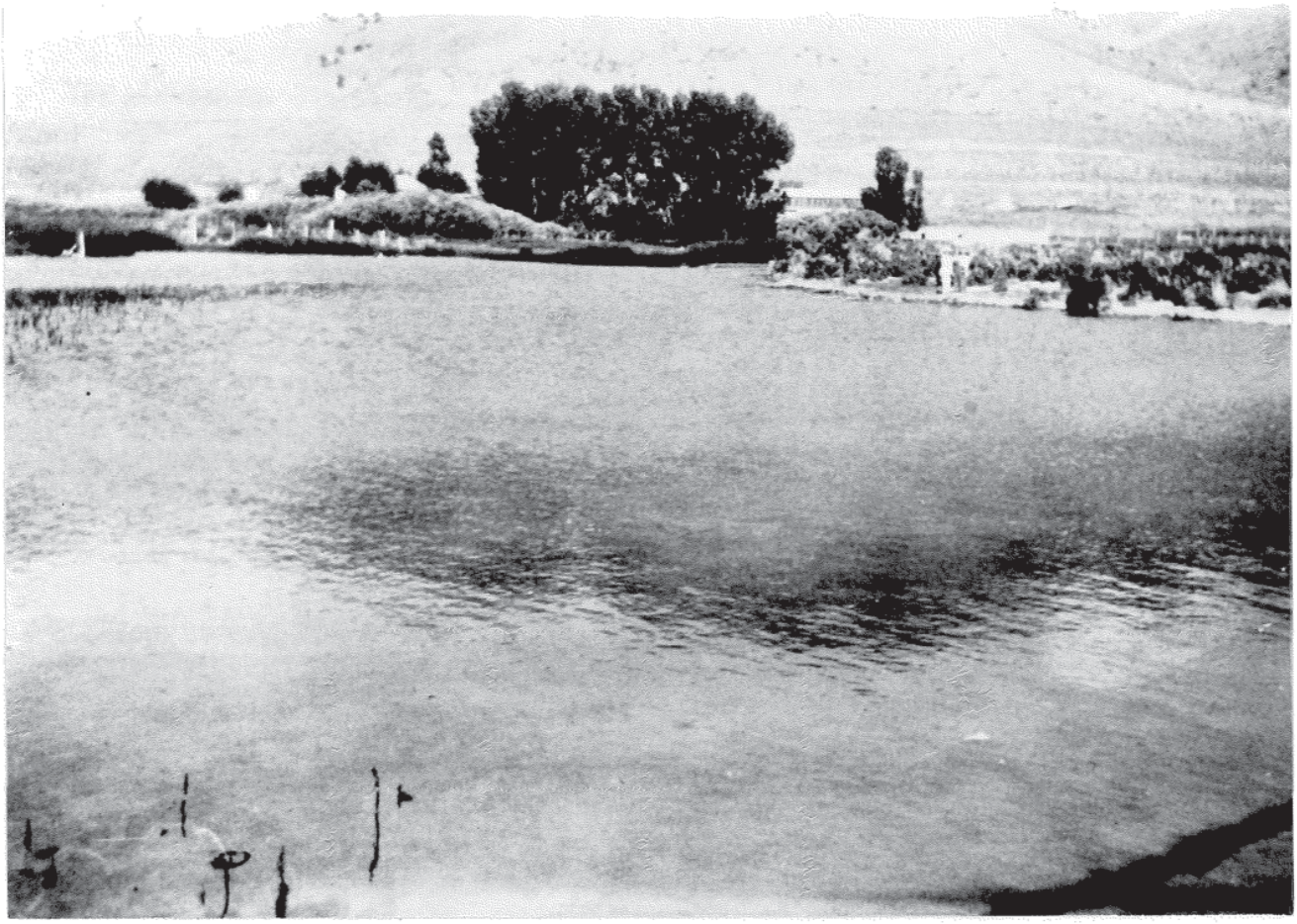
This a telephoto picture of the North Diamond Springs was also taken by the Europeans. Note the condition and lack of brush in the field above the spring. The hole and pile of dirt in center of picture is a spring that had dried up. It was twelve feet down before any water was reached in 1982.

Taken by Olive M. Thompson, fall 1946, is same spring as above. Note geese on water. In the original print pools of water can be seen in grass on the bank center foreground. Both the south and the north or upper part of photo was marshland at that time.

This photograph of the Crofut boys from the Box Springs Ranch Six and a half miles north was taken some time around the turn of the century. From left to right Andrew, Isaac, and Will. Andrew later owned the Box Springs Ranch, taught school and wrote a history of the three ranches and the families on them. This photo courtesy of the Special Collections Section of the U of N, Reno, Noble H. Getchell Library.

November 1992 picture from approximately the same spot as the photo above.

This is the same spring looking from east to west. Slightly left of center in the foreground is the area of the main springs. The Crofut boys were standing on the high ground in center of photograph. Directly in front of the camera and perpendicular to it is a fence line. A prominent post can be seen in the distance directly above this line. The following two photographs, the black and white and the colored were taken just to the left of this post. The size of the B & W photo was one of the many expensive mistakes encountered along the way. Because of time restraints the proper size was not reordered.



This photograph was taken somewhere around 1920 by Katrina Jacobsen Gardener from the extreme northwest corner of the westernmost levee across the natural channel about one hundred yards west of the point where the flow from the two springs converged into one stream. Two of her sisters can be seen on the right bank. The following photograph was taken as closely as possible from the same point.

This levee was constructed by the Taft family probably sometime in the 1870's or 1880's. Originally the channel in the center of the reservoir had some depth but through the years like water and as a result of being constantly under water the bottom sought its own level. In other words the sides ran to the middle and it became rather shallow. This in turn became ideal environment for tules. In an attempt to get around the tules choking the channel a bypass ditch was constructed sometime in the thirties or early forties. This was very inefficient and in 1964 a 32 inch pipe was installed in the old levee in the natural channel. This large pipe could drain all the water out in a few hours and it wasn't long until this flushing re-established the natural channel and also made it possible to eliminate most of the tules. The remnants of the bypass ditch can be seen in some of the photos.

November of 1992 as near as possible to where the 1920's B & W was taken. Note the brush in the bottom of the reservoir.

The ditch shown here with rabbit brush growing in it would have had water in it under natural conditions and the meadow would be wet enough to make brush establishment impossible. This point is a little over one quarter mile further west from the levee in the previous picture. Prior to the loss of the natural springs this area was going to be used to construct new ponds away from human interference and to take all the head pressure off the springs.

Cox Ranch early April 1961, northwest. Union Pass, the left low spot in the Sulfur Mountains on the West side of the valley. The trees of the Box Springs Ranch can be seen at the point of mountain on the middle right. The strip of bare ground at Cox Ranch was prepared to plant oats and alfalfa. A portion of the Overland Trail-Pony Express Route can be seen bottom center.

This is a southwest view of the Cox Ranch taken 1968 or 1969.

Taken from same location as previous photo, summer 1982.

This was taken October 6, 1991 from top of mountain east of home ranch, note the brush invading meadow.

The large trees of the Cox Ranch, center, are great northern cottonwoods, the others a black willows. Taken on October 5, 1992 small clumps of leaves in the big trees can be seen and that was the extent of life left in them, over one hundred years time and beauty are gone forever.

This south facing August 1968 picture of the Cox Ranch, hay in windrow and still standing. Both meadow and trees were in a very healty productive condition.

West-northwest taken to the left of previous photograph and from the shade of the giant black willows seen in preceding pictures. Today trees are dead and brush is taking over this area.

Former spring northeast end of Cox field. Prior to 1981 there was a large hook shaped pond here connecting springs at each end. It extended to the north, turned right and passed off the right edge of the photograph. The Sulfur Mountain Range are at the top of the photograph and Union Pass can be seen on the upper right.

If the viewer looks closely this post fence can be seen in the previous photograph about 5/8 inch left of the right edge and slightly above right center or directly below the right hand end of the cloud. It took a lot of money to build this reservoir and there was no pond here in its natural state.

DIAMOND SPRINGS, WATER MEASUREMENT

DIVISION OF WATER RESOURCES

Shortly before the first hearing over the protest filed as a result of damage to Diamond Springs the State Engineer's personnel began making flow measurements from this point. With backhoe work the flow increased to around six hundred gallons per minute prompting the state employee to claim there was nothing wrong with the springs and the flow measurements would be used for adjudication purposes.

After making these claims the owner insisted all future measurements be made at the same point the USGS used in 1965. There upon the state employee insisted the backhoe break through the hardpan in the ditch bottom knowing this would artificially lower the head pressure on the springs from previous measurements by one foot or more and possibly increase the flow. Even with this transparent ploy the flow dropped to 220 gpm, no more was said about the springs not showing any damage.

The outlet pipe shown was on the bottom of the original ditch and the inlet side is shown in previous picture. Backhoe work was only the being of several years of an expensive fruitless effort to maintain flow from the springs.

Ditch Mr. Harrill of the USGS measured the flow in 1965. The individual shown in the next picture insisted the bottom be taken through the hardpan that existed about one hundred feet up from the headgate. When this was done the water level in the reservoir dropped over a foot.

August 9, 1982 DWR employee measuring flow prior to second hearing held that afternoon in Eureka. State Engineer Pete Morros claimed individual couldn't enter measurement in the record because he wasn't sworn in.

Despite August 9, 1982 DWR claimed flow of 220 gpm and a two week period water only covered area outline in ink on picture which was little more than medium sized suburban lawn. Therefore the 220 gpm measurement was probably fictitious.

The July 6, 1983, last time the State Engineer's office measured the flow. This measurement by the State was around 700 gpm when it was actually flowing over 1,100 gpm. When confronted with this ficticious measurement they claimed it was a mistake and then claimed the owner wouldn't allow them access to the property again which was a bold faced lie.

This is facing east and note the lack of brush in the field behind the pickup. If there had been such a flow decrease as State claimed between June and July 6, 1983 measurement there would be an obvious waterline above the water in the ditch and there is none.

Following the July 6, 1983 USGS measurement at the same point shown above, the resevoir was drained and all flow diverted into the natural channel through the flume shown here. According to the formula the volume shown was producing around 1,400 gpm. This was confirmed by subsequent USGS measurements. Photo taken July 9, 1983.

September 1992.

LAND SUBSIDENCE, COLLAPSE OF WATER BEARING STRATA CAUSED BY EXCESS WITHDRAWAL FROM THE DIAMOND VALLEY WATER BASIN

Taken ground level November 1992, note stake in center with orange ribbon. Stake is in center of large depression were ground was level two years prior. Land was level with black spot to left of tree and stake. Large depressions have appeared all over field the last two years. Apparently once water channels collapse like this they will never accept water again. The ground is heavy clay underneath.

Rod shown below is five feet long and is laying parallel to a crack in the ground caused by land sinkage.

This is the same crack shown in previous photo, stake dropped four feet before it hit bottom. Other holes and depressions are also from cracks. The darker color of the soil results from this spot being a former bog, the darker color is crumbled peat.

This picture and the one below are both of the same round depression about one hundred feet across by three feet deep. Note stake in center.

Black dog is on high ground and red dog in depression, crest passes between them. Previous photos of DWR employee measuring water were taken at far fence posts one half inch in from extreme right. Photos on next page are of dry springs west of ranch mentioned in introduction.

DOMESTIC WATER SOURCE

The B & W photgraph above taken by Olive M. Thompson in the early 1950's or late 1940's. Building is over spring used for domestic water. Dark area below second tree, right of building, was a rock walled spring, early settlers discover the roiling sand in the spring would swallow up trash. Many old bottles and other items have been uncovered since.

This is the spring box looking down, the bottom is solid rock. The pipes were drains into the pond ten feet west. The original bottom had two feet of sand and gravel as the water disappeared it was followed down to the solid rock.

The photograph here is the upper half of the spring box. A close look at the shaded bottom shows a dark line above the broken center section of wall. This is not a pipe but a crack in the rock on the bottom where water squited out. The rock ledge is at about a 60° angle similar to the rock on the face of the mountain east of the ranch house.

This last photograph shows a $2\frac{1}{2}$" pipe coming from the spring box. It was used to operate an apparatus called a water ram which operated on the principal of volume and height. Apparently if so much volume dropped a certain distance a portion of the volume could be split and rammed or pumped uphill. The ranch house forty yards away with a 15 foot lift and had a small but steady water supply using this principle. It beat packing water in a bucket. The present water table is probably ten or more feet below the level needed to operate this new at least unused, antique machine still on the ranch.

QUIETER, HAPPIER INNOCENT DAYS

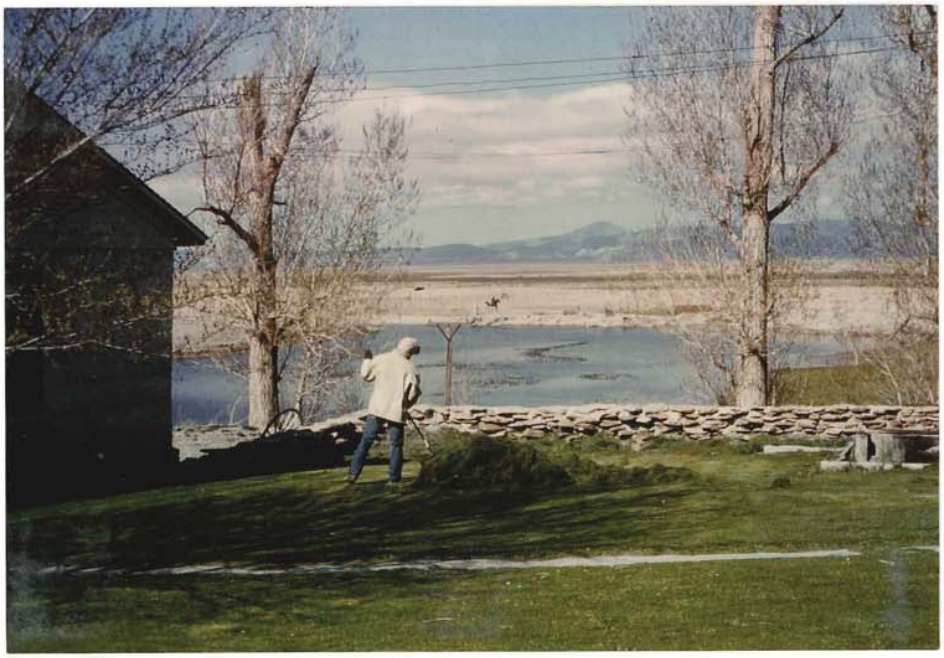
WHEN THE FUTURE LOOKED BRIGHT

June 1962, sunrise over the Mountains of the Night Bird, Diamond Mountains and Water Valley or as ancient Indains named it, Pah-hun-nupe.

May 1962, evening settling on the Diamond Mountains and Diamond Valley. The Cox Ranch is visable to the immediate right of the aspen telephone pole with the bird on top. The Home Ranch is visable to the immediate right of the next pole.

Diamond Springs west toward snow covered Roberts Mountain. Easter break early April 1961. Both north and south springs had been cleaned fall of 1959 with a large drag line. Only the south and west sides of south spring were cleaned, north side was too boggy. Even then a platform of posts and railroad ties had to be put under the machine when it moved from one location to the other.

The first lawn clipping of the season high school freshman Joyce Thompson Aiazzi hard at work. Her sister going for the saddle horses in the background and a pond full of water. Easter break 1961.



1971 or 1972

May 1971 late spring snow.

Turn of the century hay being freighted to the booming mining town of Eureka, original Pony Express building seen behind wagon.

May 1971 and pond of water. A close observation following a line up from the second sapling right of pumphouse through fence brace to edge of the brush and snow a structure can be spotted. This machine, which was probably patterned after a cotton press, was used to make the bales of hay in the previous picture. It was mostly wood and was in good shape, but in 1986 it caught on fire and was destroyed.

View west toward Roberts Mountain nortwest corner of south pond on left, stream can be seen cutting through snow from spring right of pond and center of picture.

Same view one half hour later note the deep green of the meadows mid picture both left and right, wrangle horse center, Roberts Mountain above horse on skyline.

Same view taken mid August 1992 note dust blowing off former marshy meadow.

Looking north toward the Cox Ranch, it is apparent trees showing on the horizon have no leaves visable as those on the Home Ranch. Not only was Home Ranch in a sheltered hollow, it also had the warmth from the thermal waters of the springs. It was warmer than other parts of the valley both summer and winter. In the winter it was fifteen to twenty degrees warmer on coldest days, that is no longer the case.

A southeast view May 1971, the left hand peak was where the first photograph of the series was taken. Horse Canyon over trees.

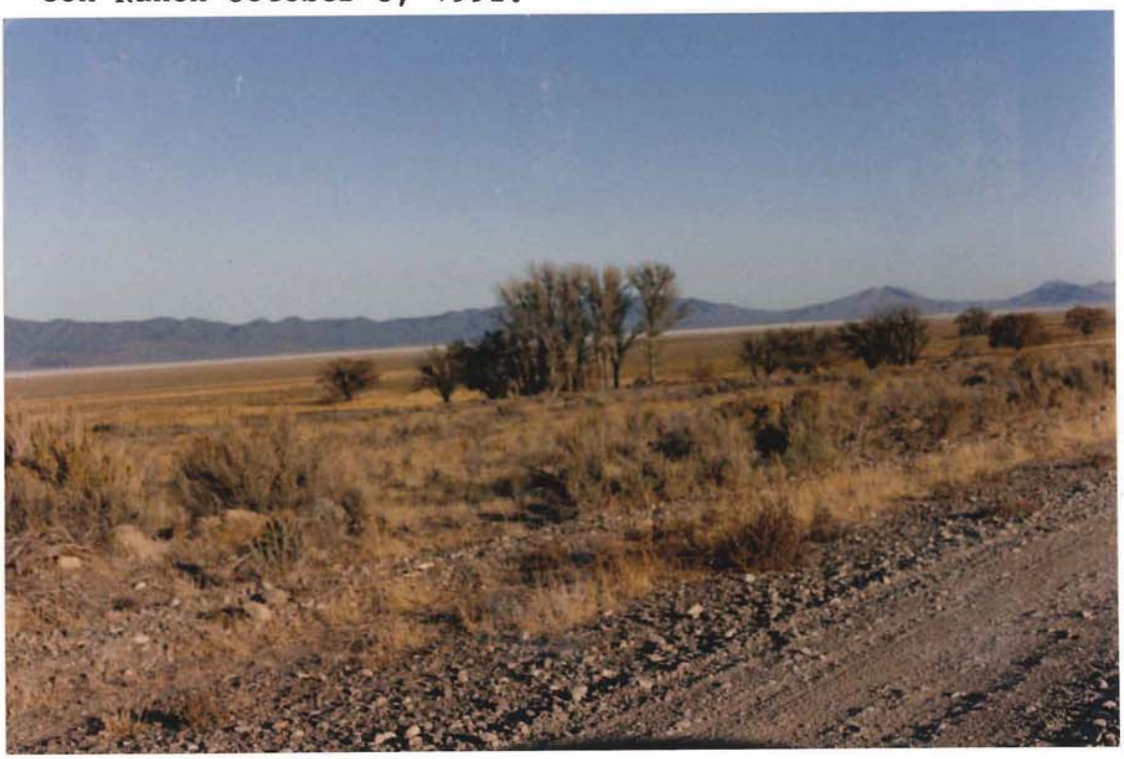
A comparison, taken November 1992.

Taken early June 1961, northwest side of the north spring.

Taken from oppsite bank facing north, trees of Cox Ranch seen on skyline. Field over red tractor was alfalfa as was upper right. Area above cats was too wet for anything except meadow grasses.

View of same area November 1992, cat stuck in mud was oppsite and left of tree.

Cox Ranch October 5, 1992.



Box Springs Ranch spring, early 1960's. The last body of water on ranch and the last of bass fish and bull frogs saved at Diamond Springs in September 1992 were put here. This water freezes over so it is doubtful they will survive through the winter.

Close up of pond early April 1961.

THE ONE HUNDRED YEAR WINTER

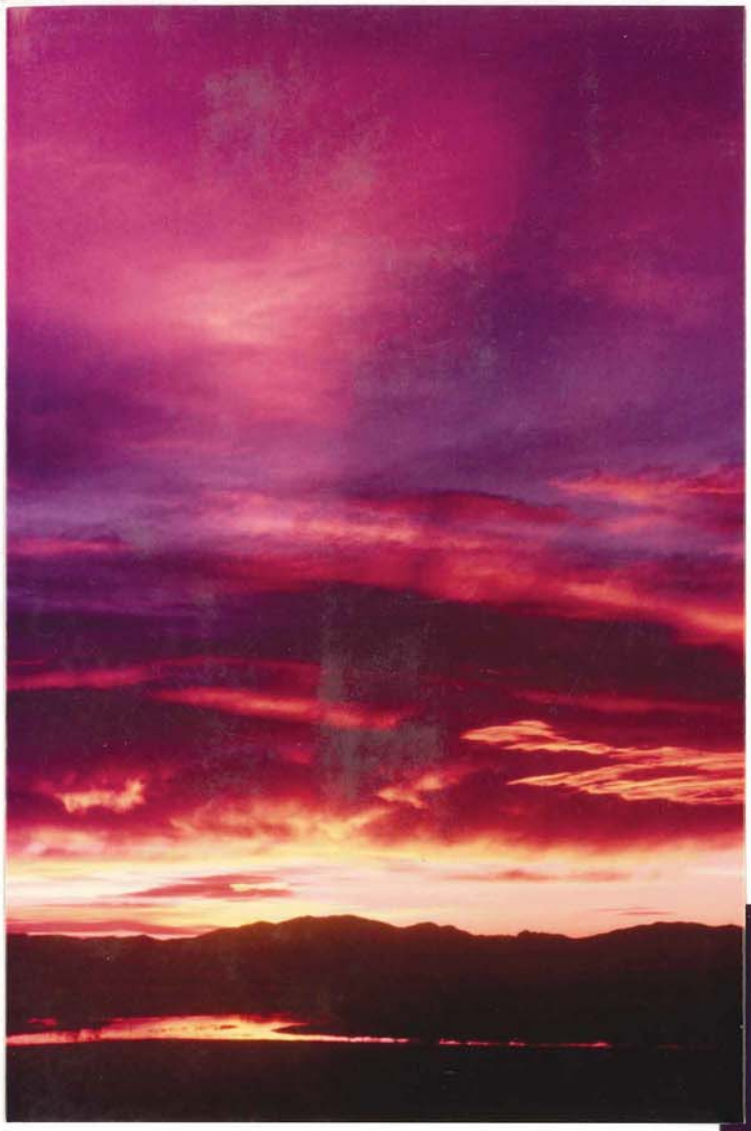
Taken January 25 or 26, 1983 and is the storm State Engineer Peter G. Morros refered to in testimony give at a lawyer malpractice trial December 1988. Depth of snow was 22½ inches.

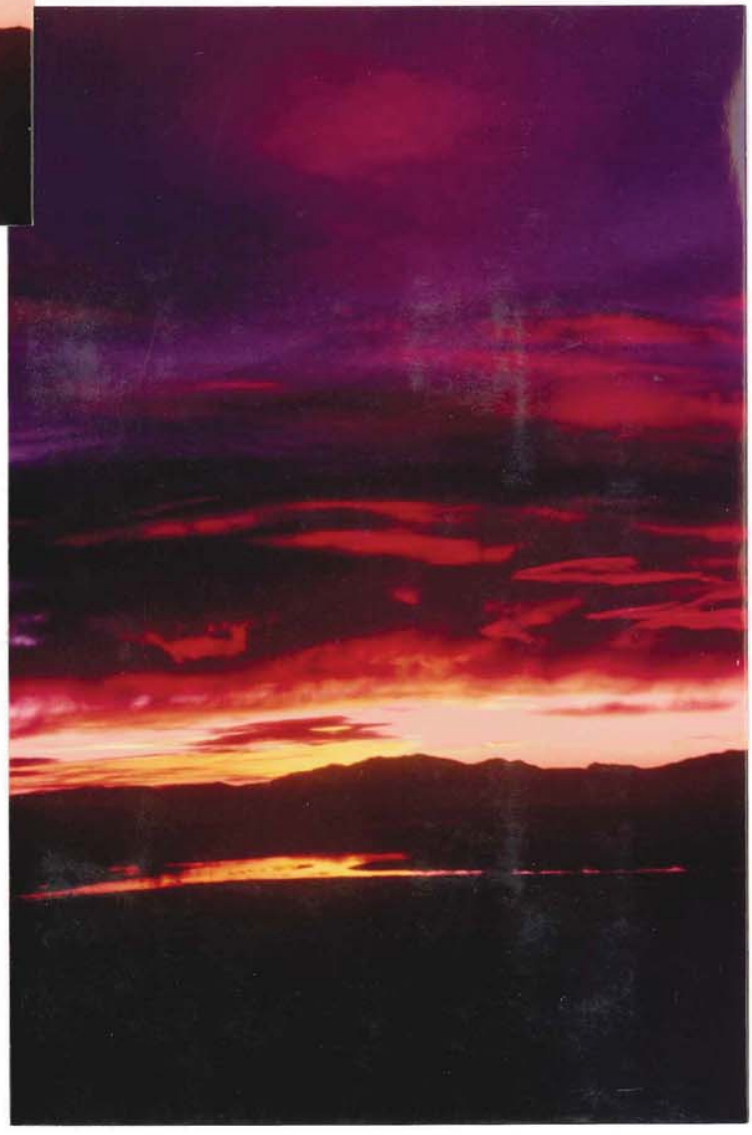
West southwest view, note water in pond middle right.

Southwest view

Sundown following day of big snow Januray 1983, note steam raising from water in reservoir. View is west.

Man's irresponsible greed and corruption, a thing of beauty, an oasis in the desert is lost and gone forever but the beauty of the sunset will endure.





FLOW MEASUREMENTS OF DIAMOND SPRINGS

There are two pages included under this heading. The first page represents all the data compiled by a Stevens Water Level Recorder, Type F which was placed on a well in the farming area closest to Diamond Springs. As previously mentioned July 7, 1983 was the last date the Division of Water Resources made an attempt to measure the flow from Diamond Springs. The Division was caught making a false measurement on that date, then falsely claimed the owner refused entry to the property from that point on and never returned. The Division was also asked to continued making measurements with the Stevens Recorder after 1983 and refused to do so.

The second page is a computer print out of the USGS measurements of the Thompson Ranch Springs, Diamond Springs, and the Shipley Hot Springs across the valley from Diamond Springs. The second from the last measurement taken on Diamond Springs is circled. This measurement is completely false, the spring had almost completely stopped flowing at that date. In any case it was flowing under 100 gpm. This same USGS employee supposedly measured the Shipley Hot Springs as flowing between 6,500 and 7,000 gpm when if the truth were known the springs were flowing under half that amount or even less. These measurements were protested and senior USGS personnel remeasured the flow.

To illustrate the competence of the individual making the previous measurement the USGS employee measured the flow from the north fork of Diamond Springs as flowing more than the total from both the north and south forks where they combined a couple of hundred feet further in the channel. The north springs on that date had almost completely stopped flowing and the individual was in fact measuring stagnant non-moving water. When confronted with these facts the individual refused to admit a mistake and added insult by asking what the owner he had done with the water. The U.S. government in typical fashion gave this individual a cash bonus the following year for doing such an outstanding job.

On October 15, 1992 the USGS measured the flow of Shipley Hot Springs at 3,500 gpm despite the fact that all the springs close to it have either dried up completely or are close to it. Even the irrigation well on the Romano Ranch six miles south of Shipley Hot Springs has reportedly dried up but Shipley Hot Springs, according to the USGS, has increased from the 1,800 gpm allegedly measured in December 1991 to 3,500 gpm October 1992. There is to be polite a credibility gap of some magnitude here.

To those who have lived in the area many years and know the Shipley Hot Springs do not even have to measure the flow to know something has happened to that flow, this can be seen miles away. Under normal conditions the Shipley Hot Springs would fill the entire western half of the valley with fog on cold winter mornings and this does not take place anymore. Even when the fog burned off a plume of steam could be seen raising off the hot water miles away. Now the USGS claims these springs are in fact after seven years of drought and despite the fact the valley is being pumped dry are actually flowing more now than Mr. Harrill of the USGS measured for his 1965 report. Could it be Mr. Harrill deliberately under measured the flow at that time to so that his theory the water flowing from Shipley Hot Springs came from Garden Valley to the west wouldn't be held up to ridicule in the future when the valley began to dry up and Shipley Hot Springs began to dry up also, did he want a cushion? Or could it be this fictitious lack of damage is meant to cloud the issue in accessing blame for the damage done to the valley by the continued severe drawdown of the water table? Is the State Engineer as he did in 1982, going to point out that the Shipley Hot Springs are apparently suffering no damage or as Mr. Harrill claimed only adjusting to local conditions?

We do know Mr. Harrill was aware Shipley Hot Springs had a past measured flow of 6,750 gpm when he made his September 22, 1965 measurement of 3,200 gpm and when he made his claim that virtually all the damage to the water table at that time appeared in the South Diamond Subarea of Diamond Valley Water Basin and not in the area of natural discharge.

Rita Whitney
Hydrologic Technician

U.S. GEOLOGICAL SURVEY
705 N. PLAZA ST., RM. 224
CARSON CITY, NV. 89701

WATER RESOURCES
DIVISION
(702) 887-7600

Hi, we came to measure your spring, but looks pretty dry at the flume. Guess we'll catch you next time!

10/13/92 ~1PM Rita

:: 11/19/91

LOCAL WELL NUMBER	SITE-ID	NAME OF SPRING (Diamond Springs)		DATE DISCHARGE MEASURED	DISCHARGE (GPM)	SOURCE OF DISCHARGE DATA	METHOD DISCHARGE MEASURED
N23 E54 03DBD 1	395415115524301	THOMPSON RANCH SPRING		09-21-1965	1000.	S	C
			--	04-01-1966	900.	S	C
			--	10-19-1966	900.	S	C
			--	10-03-1981	34.	S	V
			--	03-10-1982	130.	S	E
			--	05-25-1982	700.	Z	C
			--	06-04-1982	800.	Z	C
			--	07-02-1982	600.	Z	C
			--	07-29-1982	500.	Z	C
			--	08-09-1982	220.	Z	C
			--	07-06-1983	1100.	S	C
			--	08-03-1983	1300.	S	C
			--	11-08-1983	1300.	S	C
			--	06-12-1984	1900.	S	C
			--	11-14-1984	1400.	S	C
			--	01-18-1985	1500.	S	C
			--	05-27-1985	1500.	S	C
			--	11-03-1985	1100.	S	C
			--	02-05-1986	1000.	S	C
			--	02-09-1987	800.	S	C
			--	08-10-1987	320.	S	C
			--	02-22-1988	280.	S	C
			--	03-13-1989	220.	S	C
			--	04-02-1990	150.	S	V
			--	11-15-1990	54.	S	F
			--	03-08-1991	700	S	Z
			--	06-04-1991	140.	S	F
N24 E52 23DAC 1	395628116042801	SHIPLEY HOT SPRING		09-22-1965	3200.	S	C
			--	04-01-1966	3100.	S	C
			--	10-19-1966	2800.	S	C
			--	09-22-1977	2500.	S	C
			--	10-03-1981	2600.	S	C
			--	06-12-1984	3200.	S	C
			--	11-04-1984	2900.	S	C
			--	01-18-1985	2700.	S	C
			--	05-27-1985	2500.	S	C
			--	11-04-1985	2400.	S	C
			--	02-05-1986	2500.	S	C
			--	02-09-1987	3500.	S	C

Angle coefficient	Dist. from initial point	Width	Depth	Observation depth	Revolutions	Time in seconds	VELOCITY: At point	VELOCITY: Mean in vertical	Adjusted for hor. angle or	Area	Discharge
		Depth	.09								
		2.75 to	2.0	ft	average =					2.37	width
		2.20	long		in 75 sec =					.314	fs
		2.37	.09 =		.213 area						
					X .314 cf =					.0669 cfs	
					= 120 gpm						
					Shipley Hot Spgs =						
					= total flow =						
					4.17 cfs						
					1876.5 gpm						

.0 .10 .20 .30 .40 .50 .60 .70 .75

.80 .85 .90 .92 .94 .96 .97 .98 .99 1.00 .99 .98 .97 .96 .94 .92 .90 .85 .80

9-275-G
(Rev. 10-81)

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

Meas. No. .....
Comp. by. RW

WATER RESOURCES DIVISION

395415115524301
Sta. No. ..... DISCHARGE MEASUREMENT NOTES Checked by .....

Thompson Ranch Spring

Date Dec 08 19 91 Party R.Whitney, K.Lewis

Width ..... Area ..... Vel. ..... G. H. ..... Disch. .....

Method ..... No. secs. ..... G. H. change. ..... in ..... hrs. Susp. .....

Method coef. ..... Hor. angle coef. ..... Susp. coef. ..... Meter No. .....

Type of meter ..... Date rated ..... Tag checked .....

Meter ..... ft. above bottom of wt. Spin before meas. ..... after .....

Meas. plots ..... % diff. from ..... rating. Levels obtained .....

GAGE READINGS

Time		Inside	ADR	Graphic	Outside
1325	S.				
Weighted M.G.H.					
G. H. correction					
Correct M.G.H.					

WATER QUALITY MEASUREMENTS

(No) ... Yes. ..... Time .....

Samples Collected sp co

No ..... (Yes.) ... Time .....

Method Used

EDI ..... EWI ..... Other. .....

SEDIMENT SAMPLES

(No) ... Yes. ..... Time .....

Method Used

EDI ..... EWI ..... Other. .....

BIOLOGICAL SAMPLES

Yes ..... Time .....

(No) ..... Type .....

Check bar. chain found ..... changed to ..... at .....

Wading, cable, ice, boat, upstr., downstr., side bridge. ..... feet, mile, above, below gage.

Measurement rated excellent (2%), good (5%), fair (8%), poor (over 8%); based on the following cond:

Flow .....

Cross section .....

Control .....

Gage operating ..... Weather .....

Intake/Orifice cleaned ..... Air ..... °C@ ..... Water ..... °C@ .....

Record removed ..... Extreme Indicator: Max. ..... Min. .....

Manometer N_2 Pressure Tank ..... Feed ..... Bbl rate ..... per min.

CSG checked ..... Stick reading .....

Observer .....

HWM ..... outside, in well

Remarks .....

.....

.....

G.H. of zero flow ..... ft. Sheet No. ..... of ..... sheets

VENT_001501

DIAMOND VALLEY 1983

The following information was recorded by a Stevens Water Level Recorder, Type F. The recorder was started May 20, 1983 on an open well casing in Sec. 30, T.23N., R.54E., well 30c, at 15.58 feet, static water level. The recorder was moved on June 13, to an open well located in Sec. 29, T.23N., R.54E., well 29d, approximately 1.5 miles east due to the development of the original well.

The recorder was equipped with 40 feet of float cable, which allowed for a 40 foot drop in the static water level. On July 25, the static water level dropped below 40 feet, consequently, pulling the cable off the recorder which resulted in a 21 day loss of record, after which an 83 foot cable was installed on the recorder. The recorder was removed from the well on December 8, 1983.

5/20/83	15.85	7/10	33.10	8/30	26.60	10/20	21.60
5/21	15.83	7/11	33.50	8/31	28.15	10/21	21.35
5/22	15.81	7/12	33.25	9/1	29.50	10/22	21.15
5/23	15.80	7/13	33.80	9/2	30.75	10/23	21.00
5/24	15.83	7/14	34.30	9/3	31.80	10/24	20.91
5/25	15.96	7/15	34.80	9/4	32.60	10/25	20.80
5/26	16.75	7/16	35.35	9/5	33.20	10/26	20.70
5/27	17.65	7/17	35.88	9/6	33.40	10/27	20.65
5/28	18.60	7/18	36.35	9/7	33.65	10/28	20.50
5/29	19.55	7/19	37.10	9/8	34.15	10/29	20.35
5/30	20.45	7/20	37.75	9/9	34.58	10/30	20.25
5/31	21.30	7/21	38.35	9/10	34.75	10/31	20.12
6/1	22.50	7/22	39.05	9/11	35.50	11/1	20.00
6/2	22.70	7/23	39.25	9/12	36.50	11/2	19.93
6/3	23.03	7/24	39.70	9/13	37.75	11/3	19.81
6/4	23.13	7/25	40.0+	9/14	38.30	11/4	19.74
6/5	23.27	7/26	no record	9/15	38.65	11/5	19.60
6/6	23.57	7/27	" "	9/16	38.30	11/6	19.50
6/7	24.10	7/28	" "	9/17	36.50	11/7	19.45
6/8	24.80	7/29	" "	9/18	36.37	11/8	19.40
6/9	25.35	7/30	" "	9/19	36.25	11/9	19.30
6/10	25.45	7/31	" "	9/20	36.18	11/10	19.12
6/11	25.47	8/1	" "	9/21	35.30	11/11	19.00
6/12	25.45	8/2	" "	9/22	33.75	11/12	18.97
6/13	** 27.00	8/3	" "	9/23	32.50	11/13	18.90
6/14	27.10	8/4	" "	9/24	31.45	11/14	18.85
6/15	28.40	8/5	" "	9/25	30.55	11/15	18.75
6/16	31.10	8/6	" "	9/26	29.50	11/16	18.65
6/17	32.55	8/7	" "	9/27	28.82	11/17	18.58
6/18	33.0	8/8	" "	9/28	28.55	11/18	18.52
6/19	33.70	8/9	" "	9/29	28.10	11/19	18.45
6/20	33.45	8/10	" "	9/30	27.45	11/20	18.30
6/21	32.41	8/11	" "	10/1	27.00	11/21	18.27
6/22	31.70	8/12	" "	10/2	26.30	11/22	18.25
6/23	31.55	8/13	" "	10/3	26.08	11/23	18.20
6/24	30.85	8/14	" "	10/4	25.85	11/24	18.07
6/25	29.50	8/15	" "	10/5	25.82	11/25	18.02
6/26	28.62	8/16	29.60	10/6	25.65		

The recorder was equipped with 40 feet of float cable, which allowed for a 40 foot drop in the static water level. On July 25, the static water level dropped below 40 feet, consequently, pulling the cable off the recorder which resulted in a 21 day loss of record, after which an 83 foot cable was installed on the recorder. The recorder was removed from the well on December 8, 1983.

5/20/83	15.85	7/10	33.10	8/30	26.60	10/20	21.60
5/21	15.83	7/11	33.50	8/31	28.15	10/21	21.35
5/22	15.81	7/12	33.25	9/1	29.50	10/22	21.15
5/23	15.80	7/13	33.80	9/2	30.75	10/23	21.00
5/24	15.83	7/14	34.30	9/3	31.80	10/24	20.91
5/25	15.96	7/15	34.80	9/4	32.60	10/25	20.80
5/26	16.75	7/16	35.35	9/5	33.20	10/26	20.70
5/27	17.65	7/17	35.88	9/6	33.40	10/27	20.65
5/28	18.60	7/18	36.35	9/7	33.65	10/28	20.50
5/29	19.55	7/19	37.10	9/8	34.15	10/29	20.35
5/30	20.45	7/20	37.75	9/9	34.58	10/30	20.25
5/31	21.30	7/21	38.35	9/10	34.75	10/31	20.12
6/1	22.50	7/22	39.05	9/11	35.50	11/1	20.00
6/2	22.70	7/23	39.25	9/12	36.50	11/2	19.93
6/3	23.03	7/24	39.70	9/13	37.75	11/3	19.81
6/4	23.13	7/25	40.0+	9/14	38.30	11/4	19.74
6/5	23.27	7/26	no record	9/15	38.65	11/5	19.60
6/6	23.57	7/27	" "	9/16	38.30	11/6	19.50
6/7	24.10	7/28	" "	9/17	36.50	11/7	19.45
6/8	24.80	7/29	" "	9/18	36.37	11/8	19.40
6/9	25.35	7/30	" "	9/19	36.25	11/9	19.30
6/10	25.45	7/31	" "	9/20	36.18	11/10	19.12
6/11	25.47	8/1	" "	9/21	35.30	11/11	19.00
6/12	25.45	8/2	" "	9/22	33.75	11/12	18.97
6/13	** 27.00	8/3	" "	9/23	32.50	11/13	18.90
6/14	27.10	8/4	" "	9/24	31.45	11/14	18.85
6/15	28.40	8/5	" "	9/25	30.55	11/15	18.75
6/16	31.10	8/6	" "	9/26	29.50	11/16	18.65
6/17	32.55	8/7	" "	9/27	28.82	11/17	18.58
6/18	33.0	8/8	" "	9/28	28.55	11/18	18.52
6/19	33.70	8/9	" "	9/29	28.10	11/19	18.45
6/20	33.45	8/10	" "	9/30	27.45	11/20	18.30
6/21	32.41	8/11	" "	10/1	27.00	11/21	18.27
6/22	31.70	8/12	" "	10/2	26.30	11/22	18.25
6/23	31.55	8/13	" "	10/3	26.08	11/23	18.20
6/24	30.85	8/14	" "	10/4	25.85	11/24	18.07
6/25	29.50	8/15	" "	10/5	25.82	11/25	18.02
6/26	28.62	8/16	29.60	10/6	25.65	11/26	18.00
6/27	28.25	8/17	28.85	10/7	25.42	11/27	17.95
6/28	27.60	8/18	28.45	10/8	25.22	11/28	17.85
6/29	26.85	8/19	28.02	10/9	24.82	11/29	17.77
6/30	26.60	8/20	27.57	10/10	24.63	11/30	17.75
7/1	26.40	8/21	27.10	10/11	24.27	12/1	17.68
7/2	27.15	8/22	26.80	10/12	23.95	12/2	17.62
7/3	27.75	8/23	26.45	10/13	23.67	12/3	17.55
7/4	28.90	8/24	26.11	10/14	23.35	12/4	17.52
7/5	30.55	8/25	25.75	10/15	23.17	12/5	17.50
7/6	31.50	8/26	25.48	10/16	23.05	12/6	17.45
7/7	31.90	8/27	25.15	10/17	22.50	12/7	17.40
7/8	32.30	8/28	25.0	10/18	22.08	12/8	17.40
7/9	32.70	8/29	25.0	10/19	21.85		

United States Department of the Interior

GEOLOGICAL SURVEY

Water Resources Division
Room 227, Federal Building
Carson City, Nevada 89701

March 15, 1982

MEMORANDUM

To: The Record

From: James R. Harrill

Subject: Results of field visit to Diamond Valley

On March 10, 1982, James Harrill accompanied Jerry Brownfield, Ralph Gamboa, and two BLM employees on a field visit to the Thompson Ranch in Diamond Valley. Discharge of the Thompson Ranch springs has decreased markedly and the purpose of this trip was to observe conditions that might be related to this change. The day was spent as follows:

1. Arrived at Thompson Ranch at about 9:30 a.m.

2. Milt Thompson showed us some shot holes and springs located 1 to 4 miles west of the Thompson Ranch.

3. Drove north of the ranch and viewed (from the road) an area where a large amount of water was flowing from unplugged shot holes. The condition of pasture and phreatophyte areas west of the road was observed at this time.

4. Inspected the Thompson Ranch Spring and made an estimate of discharge.

5. Visited several wells south of the ranch and measured water levels where possible.

6. Drove to west side of the valley and visited Sulphur Spring and Tule Dam Spring and observed general conditions along west side of the valley south of Romano Ranch.

ONE HUNDRED YEARS OF EARTH SCIENCE IN THE PUBLIC SERVICE

The following observations were made:

SHOT HOLES

a. Hole closest to Thompson Ranch--This hole had a 3" pipe inserted in it and had flowed for a number of years. Stain on casing indicated former flow from a hole in the casing 2.2 feet above land surface. Currently, water stood at level of 0.05 feet above land surface. Pipe was silted into land surface and was unable to measure depth. Some seepage around pipe was indicated by a muddy area around the casing. No flow was observed.

b. Hole .2 miles west of first hole--Hole had a 3" pipe inserted in it and was flowing at several gallons per minute (<5) through a hole in the casing .2 to .3 feet above land surface. Casing was sounded to a depth of 29.6 feet below land surface. Milt Thompson reported that this hole had formerly flowed enough to create a pond in the winter. Now all water remains in a small area surrounding the casing.

c. Hole about .2 miles west of second hold--Hole has a 3" pipe in it and was flowing at about 5 gallons per minute through a hole in the casing about 1.1 feet above land surface. Casing was sanded to a depth of 44 feet below land surface. Stains on casing indicate that water had formerly flowed over the top of the casing at a height of about 3 feet above land surface. In past years water had reportedly ponded over a significant area. Water is now contained in a small area around the casing.

d. Visited a shot hole about 2.1 miles west of the third hole visited that had been plugged with concrete. Several other holes in the vicinity were scheduled to be plugged as soon as the area was dry enough to allow access with heavy equipment.

e. Visited several springs in the same general area and that had recently gone dry.

f. Visited a spring in Sec. 12 (T. 23 N., R. 53 E) that was still flowing. Discharge was estimated to be between 20 to 30 gpm.

g. Visited hole 23 N/55 E-18 cba that had formerly flowed to provide stock water and now has dried up. Casing was sounded to a depth of about 15 feet below land surface. Was probably sanded in and hole may be between 40 to 80 feet deep. Water level was at 1.7 feet below land surface.

h. Observed, from road, areas in Sections 20 and 17 of T. 25 N., R. 54 E. where currently there was suffi-cient flow from unplugged shot holes ~~to water~~ to pond water over a large area. Milt Thompson reported that after these holes were dug, some older flowing holes to the north ceased to flow. This area is about 9 miles north of the Thompson Ranch Springs. Several other smaller areas of ponded flow about 4-5 miles north of the Thompson Ranch Spring were also pointed out to us.

SPRING MEASUREMENTS

a. Thompson Ranch Springs--Flow as estimated to be 130 gpm. Available flow data on this spring are summarized below (rounded):

9-21-65	1050 gpm
4-01-66	950 gpm
10-19-66	920 gpm
10-03-81	30 gpm
3-10-82	130 gpm

The increase from 30 gpm to 130 gpm can be correlated with seasonal variation in pumping. In Bulletin 35, the same type of fluctuation was noted in the hydrograph of well 21/53-22cd (figure 13). Also Manse Spring in Pahrump Valley had similar seasonal fluctuations that correlated with pumping.

b. Diamond Springs--Located about 1 mile north of Thompson Ranch Springs. This spring was dry during this visit and Jerry Brownfield reported that it was dry last fall when he visited the area. Tules and willows formerly present (1965-66) in the vicinity of the spring were gone.

c. Sulphur Spring--On the west side of the valley at 23/52-36 b. This is the spring closest to pumping on the west side of the valley. The following flow data are available:

11-16-65	40 gpm
10-03-81	dry
3-10-82	dry

- On 3-10-82, a pipe had been driven into the bottom of the pond and the water level was about 3.8 feet below the pond bottom. This is about 6 feet below the estimated level of the pond in 1965. Tules present in 1965 were gone.

d. Tule Dam Spring--On west side of valley about 1 mile north of Sulphur Spring at 23/52 25b. The following flow data are available:

11-16-65	54 gpm
3-10-82	dry

A 12" pipe west of the spring (located several feet west of fence) was sounded to a depth of 70 feet below land surface. Water level was 10.52 feet below land surface. This well had formerly flowed.

e. Observations from the road suggested that wells in the SW¼ of Sec. 24, T. 23 N., R. 52 E. had also ceased to flow.

f. Shipley Hot Spring--Was not visited on 3-10-82, however, the following flow data are available:

9-22-65	3,230 gpm
4-01-66	3,150 gpm
10-19-66	2,780 gpm
4-22-77	2,530 gpm
10-03-81	2,570 gpm

It is significant to note that between 1977 and 1981 there appeared to be no significant decrease in flow at this site.

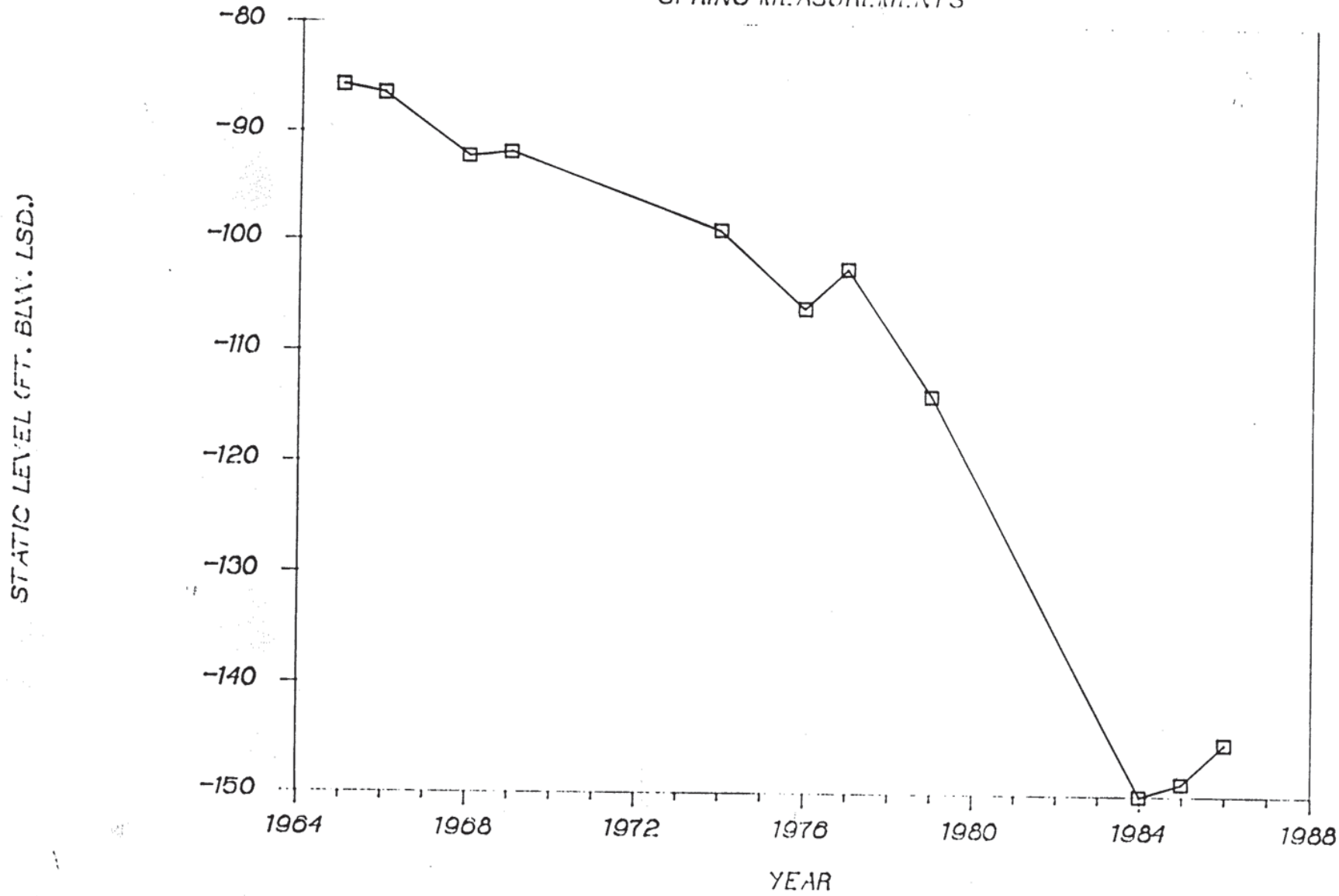
WATER-LEVEL MEASUREMENTS

Water-level measurements were made in two USGS observation wells and the irrigation well located closest to Thompson Ranch. They are as follows (below LSD):

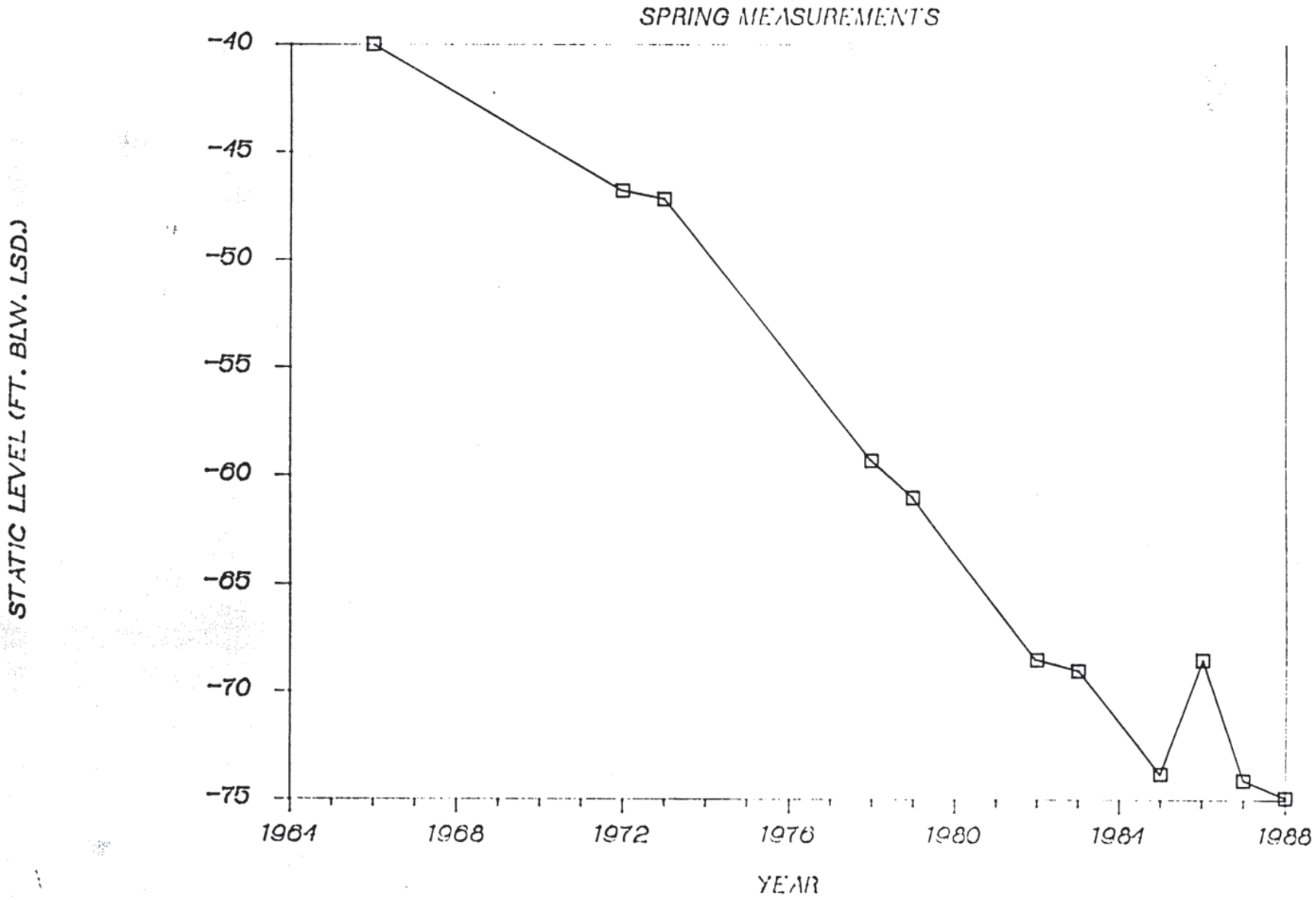
23/53-27 BB1	04-08-66	12.97
(23 ft deep)	03-10-82	13.37
	(net change = -0.4)	

23/54 - 18 dbl (32 ft deep)	04-08-66	16.69
	03-10-82	18.71
	(net change = - 2.02)	
23/54 - 20 dd (245 ft deep)	04-07-66	0.40
	03-10-82	12.39
	(net change = -11.99)	

WELL 20/53 - 1BD1 : DIAMOND V., NV.

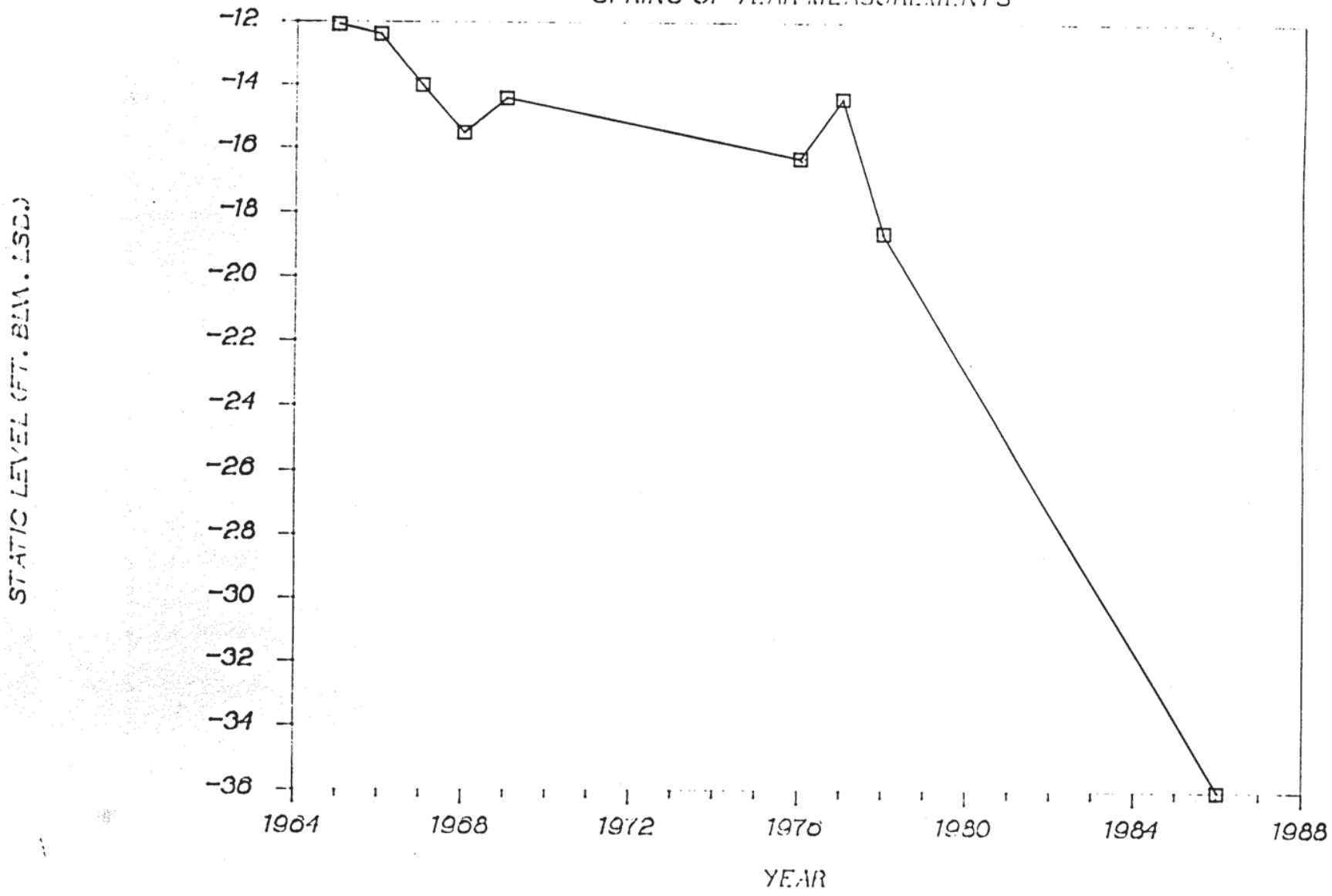


WELL 21/53 - 3CD : DIAMOND V., NV.

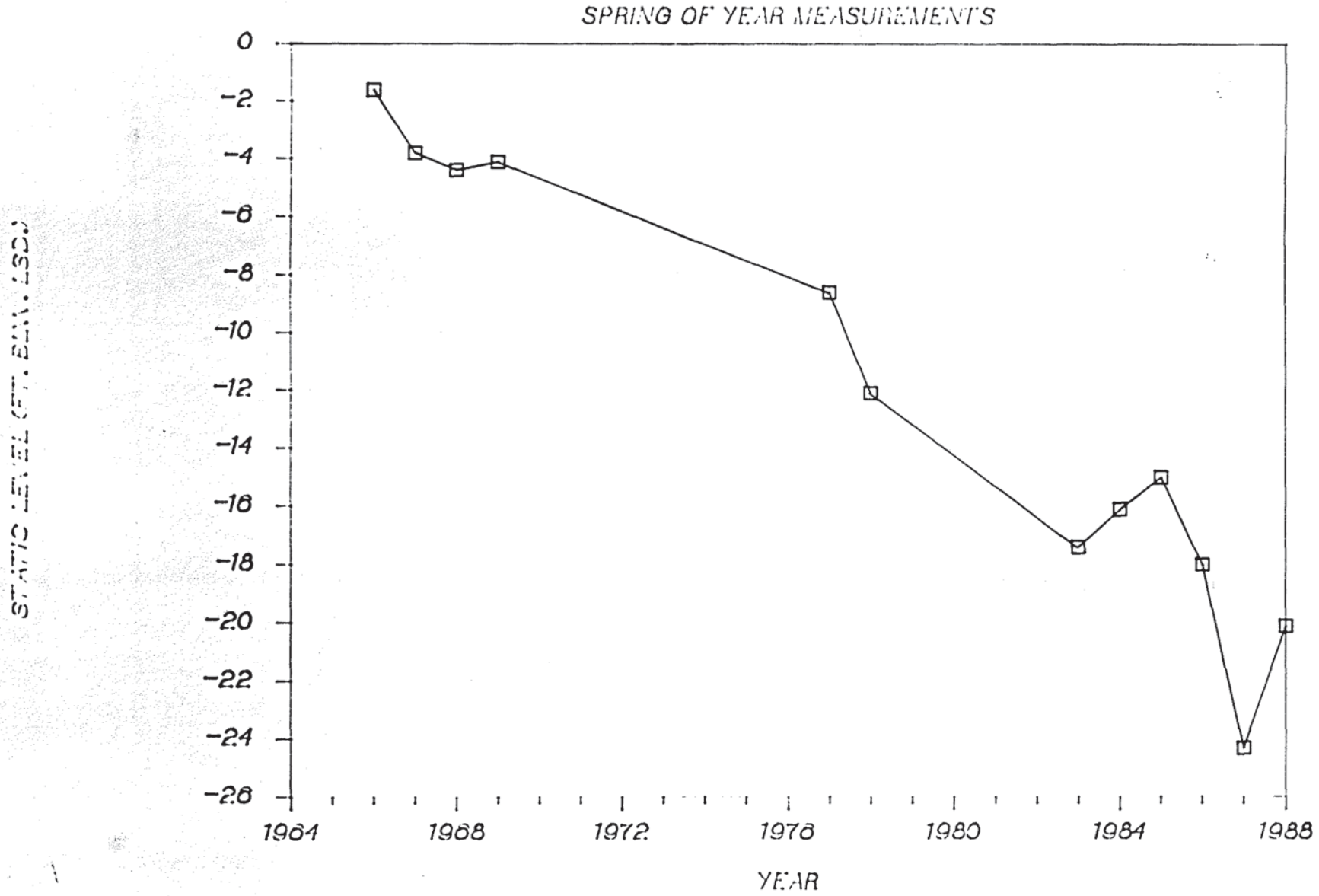


WELL 22/54 - 18DD : DIAMOND V., NV.

SPRING OF YEAR MEASUREMENTS



WELL 23/54 -29CD : DIAMOND V., NV.



PRODUCTION COSTS ON ELECTRICAL POWER CONSUMPTION

IN THE

DIAMOND VALLEY WATER BASIN, 1986

Since this study was printed the cost of power has increased greatly with another increase reportedly planned for this coming pumping season. Coupled with this is the continued drop in the water table, increases of other production costs such as machinery, repair, freight, and other related fixed expenses. On top of this is the serious and real possibility the price of hay will decline in the coming years as the price supports on milk production are decreased or eliminated.

As if this was not enough the REA cooperative serving this area is tied in with a power consortium reported to be in default on its federal REA loan. The REA has reportedly decided it would be cheaper to allow the situation to continue as is for the time being rather than foreclose because supposedly the cost of foreclosure would be greater. Whether this is true or not and what the present status of the situation is now is unknown. However with the present money crunch in Washington DC and the hint of scandal being exposed in the REA by the national media plus the saving and loan type scandal being perpetrated on the valley by that other USDA institution, the Farmers Home Administration, the likelihood of the future of the Diamond Valley development being bright is non-existent. The time is long overdue to force the Division of Water Resource to put a face on and define, "the public good" and be restrained from violating the very laws it is charged with protecting and upholding. The time is long overdue for the Division of Water Resources to have some accountability and legislative oversight.

DATE: FEB. 28, 1986

CONSUMER	ACCOUNT	AREA	KW DEMAND	KWH	POWER COST	HP	ACRES	COST per/AC	HAY in TONS	TONS per/AC	CROP	% EFF.	IRR MTD	NOTES
		NEWARK	44.5	29129	1816.84	40	30	60.56	NEW DEV		GRAIN		WH	FUT. 160
		NEWARK	41.0	25106	1567.82	50	40	39.20	NO FIG		HAY		OP	FUT. PT
		NEWARK	160.0	333120	20636.63	175	300	68.79	1200	4.0	HAY	W.S.	WH	EST. AC.
		NEWARK	30.1	37651	2389.80	30	40	59.75	200	5.0	OH		OP	
		NEWARK	60.8	96360	5983.67	100	160	37.40	800	5.0	HAY		WH	AVG TONS
		NEWARK	56.4	109258	6779.78	60	137	49.49	685	5.0	HAY		PT	per/AC.
		NEWARK	56.0	80450	4996.37	60	144	34.70	720	5.0	H&OH		PT&OP	130PT
		NEWARK	59.0	30590	1904.52	60	137	13.90	685	5.0	OH	NEW	PT	ON 7/8/85
		NEWARK	52.0	114710	7117.23	50	137	51.95	685	5.0	HAY		PT	
		NEWARK	88.0	140800	8732.02	100	140	62.37	470	4.7	HAY	59.2	OP	40 NEW H
		NEWARK	63.6	101720	6312.97	100	120	52.61	470	4.7	HAY	58.0	OP	20 NEW H
AVERAGES	11 ACCOUNTS		64.7	99899	6203.42	75.0	126	49.27	657	4.8				
TOTAL			711.4	1098894	68237.65	825	1385	49.27	5915					
AVERAGE TONS per/ACRE FOR HAY							1255		5915	4.7	HAY			9 ACCTS
AVERASE COST per/ACRE FOR HAY			56.0	88257	43879.66	68.8	918	47.80			HAY			8 ACCTS
		DIA. VLY	54.4	101080	6273.35	100	125	50.19	625	5.0	HAY		PT	
		DIA. VLY	70.4	135200	8385.38	100	160	52.41	480	3.0	HAY	42.4	WH	
		DIA. VLY	60.8	35280	2200.34	100	0	0.00	0	0.0	HAY		PT	9,10 TO6
		DIA. VLY	95.2	125160	7763.90	100	224	34.66	448	2.0	HAY		PT	11,12TO6
		DIA. VLY	68.4	20000	1254.50	100	36	34.85	72	2.0	HAY		PT	11,12TO6
		DIA. VLY	92.0	163920	10163.15	150	160	63.52	320	2.0	HAY	63.7	WH	2,13 TO6
		DIA. VLY	94.4	173240	10740.06	100	160	67.13	400	2.5	HAY	58.8	WH	2,13 TO6
		DIA. VLY	91.2	177960	11032.23	100	160	68.95	100	0.6	HAY	34.2	WH	
		DIA. VLY	91.2	114440	7100.33	100	160	44.38	480	3.0	HAY	59.6	WH	
		DIA. VLY	90.0	80680	5010.59	200	0	0.00	NO CUTTING		HAY	46.0	PT	6.7,8TO6
		DIA. VLY	85.0	11160	707.31	125	22	44.65	29	1.3	HAY	43.9	PT	5,7,8TO6
		DIA. VLY	1.1	35	224.00	10	5	46.25	5	1.0	HAY		PT	5,6,8TO6
		DIA. VLY	144.0	196240	12163.75	200	363	46.53	489	1.3	HAY	54.1	PT	5,6,7TO6
		DIA. VLY	88.4	124520	7724.28	125	130	137.60	260	2.0	HAY		PT	9,10 TO6
		DIA. VLY	11.9	16151	1013.50	20	250	4.05	700	3.5	H&G	200H	PT2	DIESEL P
		DIA. VLY	8.0	6858	438.25	10	125	3.51	350	3.5	H&G	100H	PT	DIESEL P
		DIA. VLY	71.0	117966	7315.84	75	125	58.53	438	3.5	HAY		PT	
		DIA. VLY	94.0	96360	5978.42	100	125	47.83	375	3.0	HAY		PT	
		DIA. VLY	73.6	81800	5077.17	100	125	40.62	375	3.0	HAY	66.5	PT	
		DIA. VLY	85.6	146960	9116.07	100	130	70.12	520	4.0	HAY		PT	
		DIA. VLY	69.2	113400	7038.71	100	130	54.14	650	5.0	HAY	59.6	PT	
		DIA. VLY	81.2	136880	8492.11	100	130	65.32	520	4.0	HAY		PT	
		DIA. VLY	93.2	129920	8061.29	100	130	62.01	650	5.0	HAY	57.3	PT	
		DIA. VLY	141.6	242880	15050.78	150	220	68.41	660	3.0	HAY		WH&HL	1400'HL
		DIA. VLY	86.8	181200	11232.78	100	161	69.77	760	4.7	HAY		WH	S.T.
		DIA. VLY	90.0	194200	12037.48	100	171	70.39	807	4.7	HAY	60.5	WH	S.T.
		DIA. VLY	87.6	154040	9551.57	100	137	69.72	647	4.7	HAY	55.0	WH	S.T.
		DIA. VLY	80.2	125056	7757.48	75	100	77.57	NO FIG		HAY		WH	
		DIA. VLY	78.8	122640	7607.92	100	100	76.08	NO FIG		HAY		WH	
		DIA. VLY	88.0	136760	8481.95	100	130	65.25	624	4.8	HAY	62.5	PT	
		DIA. VLY	120.0	235360	14588.04	200	163	89.50	636	3.9	HAY		PT	LATERAL1

DATE: FEB. 28, 1986

CONSUMER	ACCOUNT	AREA	KW DEMAND	KWH	POWER COST	HP	ACRES	COST per/AC	HAY in TONS	TONS per/AC	CROP	% EFF.	IRR MTD	NOTES
		DIA. VLY	124.0	225520	13978.94	125	157	89.04	612	3.9	HAY		PT	LATERAL1
		DIA. VLY	120.0	245760	15231.79	150	191	79.75	745	3.9	HAY		PT	LATERAL2
		DIA. VLY	76.0	165860	10286.00	75	129	79.74	503	3.9	HAY		PT	LATERAL3
		DIA. VLY	47.0	52790	3286.97	50	125	26.30	500	4.0	HAY		PT	
		DIA. VLY	50.0	66642	4144.39	100	125	33.16	500	4.0	HAY		PT	
		DIA. VLY	45.2	60160	3743.16	75	125	29.95	500	4.0	HAY		PT	
		DIA. VLY	60.8	104080	6459.05	100	125	51.67	500	4.0	HAY		PT	
		DIA. VLY	60.8	110640	6867.87	100	125	54.94	500	4.0	HAY		PT	
		DIA. VLY	36.0	38123	2379.07	50	125	19.03	500	4.0	HAY		PT	
		DIA. VLY	20.0	47647	2965.86	25	200	14.83	600	3.0	M6		OP	W.S.
		DIA. VLY	67.0	94170	5822.73	75	300	19.41	900	3.0	T6&H		OP	W.S.
		DIA. VLY	65.5	125280	7771.35	75	130	59.78	650	5.0	HAY		PT	
		DIA. VLY	76.4	104320	6471.16	100	130	49.78			WEEDS		PT	NO CROP
		DIA. VLY	62.8	114240	7087.96	100	130	54.52	650	5.0	HAY		PT	
		DIA. VLY	80.0	109330	6819.71	75	130	52.46	650	5.0	HAY		PT	
		DIA. VLY	73.6	141560	8779.07	100	130	67.53	488	3.8	HAY	65.1	PT	
		DIA. VLY	81.2	125480	7813.80	100	130	60.11	520	4.0	HAY	59.0	PT	
		DIA. VLY	75.0	127450	7905.66	75	130	60.81	520	4.0	HAY		PT	
		DIA. VLY	74.4	80400	5016.01	200	130	38.58			OATS		PT	PASTURE
		DIA. VLY	78.0	130400	8088.25	100	130	62.22	520	4.0	HAY		PT	
		DIA. VLY	74.4	160120	9927.93	100	130	76.37	520	4.0	HAY		PT	
		DIA. VLY	140.0	227560	14102.47	150	240	58.76	860	4.0	H&G		WH	AVG.315
		DIA. VLY	85.2	147520	9148.00	100	155	59.02	300	3.0	H&G		WH	AVG. 80
		DIA. VLY	67.0	119660	7426.22	60	125	59.41	375	3.0	HAY		PT	
		DIA. VLY	74.0	107050	6645.67	75	125	53.17	375	3.0	HAY		PT	
		DIA. VLY	57.6	80563	5006.10	75	125	40.05	375	3.0	HAY		PT	
		DIA. VLY	71.2	161560	10059.81	100	160	62.87	480	3.0	HAY		OP	
		DIA. VLY	65.0	146170	9096.03	75	160	56.85	240	3.0	H&G		OP	80H, 80
		DIA. VLY	69.0	132687	8232.56	75	125	65.86	375	3.0	HAY		PT	
		DIA. VLY	61.0	109874	6820.44	75	125	54.56	375	3.0	HAY		PT	
		DIA. VLY	70.0	122486	7601.13	75	125	60.81	375	3.0	HAY		PT	
		DIA. VLY	67.6	131080	8130.36	150	125	65.04	316	5.0	H&G		WH	75 GRAI
		DIA. VLY	108.8	163120	10113.63	150	150	67.42	604	4.0	H&G		WH	200 HAY
		DIA. VLY	80.8	188560	11688.37	125	168	69.57	504	3.0	HAY	88OP	WH&OP	80WH
		DIA. VLY	85.0	139960	8682.78	100	130	66.79	520	4.0	HAY		PT	
		DIA. VLY	68.8	120480	7474.20	100	125	59.79	625	5.0	HAY	55.5	PT	
		DIA. VLY	67.2	121440	7533.64	75	125	60.27	625	5.0	HAY		PT	
		DIA. VLY	70.8	127840	7929.80	100	125	63.44	625	5.0	HAY		PT	
		DIA. VLY	78.0	106960	6637.32	100	125	53.10	625	5.0	HAY	53.4	PT	
		DIA. VLY	75.6	131120	8132.83	100	125	65.06	625	5.0	HAY		PT	
		DIA. VLY	54.0	107862	6693.14	75	125	53.55	625	5.0	HAY		PT	
		DIA. VLY	54.8	103280	6409.53	100	125	51.28	625	5.0	HAY		PT	
		DIA. VLY	66.0	118123	7328.31	75	125	58.63	625	5.0	HAY		PT	
		DIA. VLY	74.0	141920	8801.35	100	125	70.41	625	5.0	HAY	48.0	PT	
		DIA. VLY	77.2	146400	9078.67	100	125	72.63	625	5.0	HAY	54.1	PT	
		DIA. VLY	78.4	137000	8496.80	100	125	67.97	625	5.0	HAY	61.5	PT	
		DIA. VLY	81.6	129120	8011.77	100	130	61.63	516	4.0	HAY	66.1	PT	
		DIA. VLY	81.6	152560	9462.71	100	130	72.79	516	4.0	HAY	59.1	PT	
		DIA. VLY	88.4	211120	13087.58	100	160	81.80	635	4.0	HAY		PT	
		DIA. VLY	98.0	201280	12478.48	100	160	77.99	635	4.0	HAY	56.6	WH	
		DIA. VLY	40.0	126911	7872.31	50	101	77.94	394	3.9	HAY		OP	S.T. AVG
		DIA. VLY	70.0	230124	14261.17	75	182	78.36	710	3.9	HAY		OP	S.T. AV

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CONSUMER	ACCOUNT	AREA	KW DEMAND	KWH	POWER COST	HP	ACRES	COST per/AC	HAY in TONS	TONS per/AC	CROP	% EFF.	IRR MTD	NOTES
		DIA. VLY	89.6	107800	6692.08	100	127	52.69	584	4.6	HAY		PT	
		DIA. VLY	70.0	123220	7646.58	75	127	60.21	584	4.6	HAY		PT	
		DIA. VLY	86.0	81440	5060.39	100	127	39.85			GRAIN		PT	
		DIA. VLY	84.8	141280	8764.48	100	127	69.01	584	4.6	HAY		PT	
		DIA. VLY	72.0	123880	7687.42	100	127	60.53	584	4.6	HAY		PT	
		DIA. VLY	83.0	152880	9482.52	100	127	74.67	584	4.6	HAY		PT	
		DIA. VLY	82.4	113000	7013.94	100	127	55.23	584	4.6	HAY		PT	
		DIA. VLY	66.8	107840	6694.55	100	127	52.71	584	4.6	HAY		PT	
		DIA. VLY	80.8	68920	4285.40	100	127	33.74			GRAIN		PT	
		DIA. VLY	70.4	96360	5983.93	100	127	47.12	584	4.6	HAY		PT	
		DIA. VLY	60.4	97600	6060.69	100	127	47.72	603	4.7	HAY		PT	
		DIA. VLY	60.8	110960	6887.67	100	127	54.23	603	4.7	HAY		PT	
		DIA. VLY	64.0	119536	7415.78	75	150	49.44	570	3.8	HAY		WH	
		DIA. VLY	44.0	91569	5684.63	60	105	54.14	400	3.8	HAY		WH	
		DIA. VLY	100.4	151760	9410.45	125	160	58.82	187	1.6	HAY	120H	WH	40FL DAM
		DIA. VLY	74.8	113800	7060.73	100	80	88.26	125	1.6	HAY		WH	2CUTTING
		DIA. VLY	71.0	104749	6500.47	100	125	52.00	565	4.5	HAY	53.4	PT	
		DIA. VLY	30.0	31948	1988.57	60	65	30.59	200	3.1	OH		OP	
		DIA. VLY	58.0	112174	6960.08	75	130	53.54	390	3.0	HAY		PT	
		DIA. VLY	21.0	45670	2843.47	30	20	142.17	60	3.0	HAY		OP	
		DIA. VLY	68.5	138099	8564.84	75	130	65.88	390	3.0	HAY		PT	
		DIA. VLY	70.0	124480	7724.56	100	130	59.42	NO FIG		HAY		PT	TOT 320
		DIA. VLY	63.0	87440	5431.79	100	65	83.57	NO FIG		HAY		OP	PT 1986?
		DIA. VLY	53.0	83170	5164.74	60	90	57.39	270	3.0	HAY	S.T.	PT	BOOSTER
		DIA. VLY	3.2	15120	952.44	10	17	56.03	51	3.0	HAY	S.T.	PT	PT ONLY
		DIA. VLY	86.0	161640	10022.01	100	175	57.27	525	3.0	HAY	S.T.		WELL
		DIA. VLY	60.0	101360	6293.43	100	130	48.41	NO FIG		HAY		PT	
		DIA. VLY	61.2	71720	6490.97	100	130	49.93	NO FIG		HAY		PT	
		DIA. VLY	40.0	43176	2691.85	50	80	33.65	200	2.5	HAY		WH&HL	
		DIA. VLY	66.8	109440	6793.58	75	125	54.35	312	2.5	HAY		PT	
		DIA. VLY	40.0	66843	4156.85	60	60	69.28	225	3.8	HAY		OP	160A TTL
		DIA. VLY	38.0	105670	6560.24	50	160	41.00	394	3.8	H.G&PD	5PD	OP	105H 50G
		DIA. VLY	34.0	49479	3099.24	40	32	96.85	88	2.8	HAY		OP	
		DIA. VLY	73.6	100000	6282.02	100	130	48.32	358	2.8	HAY		OP	
		DIA. VLY	48.9	20439	1273.42	60	33	38.59	NO FIG		HAY		WH	
		DIA. VLY	65.0	111096	6893.35	75	130	53.03	NO FIG		HAY		PT	
		DIA. VLY	69.0	108954	6760.76	75	130	52.01	NO FIG		HAY		PT	
		DIA. VLY	53.0	124651	7729.63	75	91	84.94	364	4.0	HAY		WH	S.T. AVG
		DIA. VLY	85.2	229840	14246.34	100	169	84.30	676	4.0	HAY		WH	S.T. AVG
		DIA. VLY	78.4	153280	9507.28	100	130	73.13	520	4.0	HAY		PT	
		DIA. VLY	60.0	142620	8847.43	75	120	73.73	480	4.0	HAY		PT	
		DIA. VLY	93.6	163920	10163.15	100	128	79.40	512	4.0	HAY		WH	S.T. AVG
		DIA. VLY	93.2	34160	2128.25	100	27	78.82	108	4.0	HAY		WH	S.T. AVG
		DIA. VLY	80.4	121760	7553.44	100	125	60.43	563	4.5	HAY	54.3	PT	
		DIA. VLY	76.0	129780	8087.69	75	60	134.79	180	3.0	HAY		OP	1.5 CUT
		DIA. VLY	27.0	19667	1236.64	50	60	20.61	18	0.3	HAY		OP	.5 CUT
		DIA. VLY	67.2	132320	8209.85	100	130	63.15	585	4.5	HAY		PT	
		DIA. VLY	64.0	79590	4943.13	75	50	98.86	90	3.0	H&G	30H20G	OP	100A TTL
		DIA. VLY	76.0	145560	9026.66	100	65	138.87	130	2.0	HAY		OP	130A TTL
		DIA. VLY	36.0	57409	3570.12	40	65	54.92	195	3.0	HAY		OP	
		DIA. VLY	85.0	121314	7528.59	100	130	57.91	270	4.5	H&G	63.6	PT	60H, 70G
		DIA. VLY	82.4	138200	8573.83	100	130	65.95	546	4.2	HAY		PT	

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CONSUMER	ACCOUNT	AREA	KW DEMAND	KWH	POWER COST	HP	ACRES	COST per/AC	HAY in TONS	TONS per/AC	CROP	I EFF.	IRR MTD	NOTES
		DIA. VLY	56.4	72880	4530.54	100	126	35.96	100	4.0	H&G	616	PT	25H,OH4
		DIA. VLY	71.0	107600	6679.70	100	126	53.01	252	4.0	H&G		PT	63H, 63
		DIA. VLY	84.0	133920	8308.90	100	120	69.24	660	5.5	HAY		PT	
		DIA. VLY	80.0	131800	8177.67	100	120	68.15	660	5.5	HAY		PT	
		DIA. VLY	80.4	102720	6372.13	100	122	52.23	256	2.1	HAY		WH	
		DIA. VLY	81.2	149960	9296.27	100	127	73.20	241	1.9	OH		WH	
		DIA. VLY	85.2	51400	3215.40	100	120	26.80	348	2.9	HAY		WH	140A TTI
		DIA. VLY	78.0	195760	12136.80	150	250	48.55	1068	4.3	HAY		PT2	
		DIA. VLY	67.6	105880	6573.23	100	125	52.59	533	4.3	HAY		PT	
		DIA. VLY	80.0	125240	7768.85	100	125	62.15	533	4.3	HAY		PT	
		DIA. VLY	62.4	100280	6226.58	100	125	49.81	533	4.3	HAY		PT	
		DIA. VLY	62.0	117880	7313.26	100	125	58.51	533	4.3	HAY		PT	
		DIA. VLY	72.4	116280	7216.98	100	145	49.77	551	3.8	HAY	58.4	PT	
		DIA. VLY	32.0	47221	2942.22	50	150	19.61	300	2.0	HAY	55.0	OP	
		DIA. VLY	68.0	98600	6122.60	100	130	47.10	494	3.8	HAY	63.0	PT	
		DIA. VLY	77.0	124010	7689.97	125	160	48.06	400	2.5	HAY		WH	
		DIA. VLY	36.0	105957	6572.48	75	105	62.60	150	2.5	H&PST		HL	60 NEW "
		DIA. VLY	38.0	58714	3682.97	50	148	24.88	442	3.0	H&OH	18H6	OP	OH40 H9
		DIA. VLY	55.0	66043	4104.57	75	195	21.05	582	3.0	H&OH	15RYE	OP	OH40H140
		DIA. VLY	28.4	47515	2957.69	50	150	19.72	638	4.3	HAY		OP	
		DIA. VLY	83.0	49850	3099.47	75	160	19.37			GRAIN		PT&WH	OATS
		DIA. VLY	72.0	110853	6878.31	75	125	55.03	600	4.8	HAY	61.0	PT	
		DIA. VLY	76.0	80080	4976.20	100	125	39.81			GRAIN	60.8	PT	
		DIA. VLY	80.0	122995	7629.90	100	125	61.04	600	4.8	HAY	60.0	PT	
		DIA. VLY	75.2	122960	7627.73	75	125	61.02	600	4.8	HAY		PT	
		DIA. VLY	68.5	96453	5986.94	75	125	47.90	600	4.8	HAY	61.7	PT	
		DIA. VLY	80.0	141720	8791.74	100	125	70.33	600	4.8	HAY	54.4	PT	
		DIA. VLY	84.0	124610	7729.87	100	125	61.84	600	4.8	TIM		PT	
		DIA. VLY	73.0	116440	7226.91	75	130	55.59	624	4.8	HAY		PT	
		DIA. VLY	87.6	106560	6612.58	100	130	50.87	624	4.8	HAY		PT	
		DIA. VLY	70.0	112690	6994.78	75	130	53.81	624	4.8	HAY		PT	
		DIA. VLY	90.4	124800	7741.61	100	130	59.55	624	4.8	HAY		PT	
		DIA. VLY	84.8	141480	8774.11	100	130	67.49	624	4.8	HAY		PT	
		DIA. VLY	88.0	122760	7615.34	100	130	58.58	624	4.8	HAY		PT	
		DIA. VLY	69.2	38520	2400.89	90	130	18.47	390	3.0	HAY		PT	BAD MET.
		DIA. VLY	110.8	214760	13310.15	125	100	133.10	350	3.5	HAY		WH	
		DIA. VLY	75.0	145440	9019.24	100	130	69.38	520	4.0	HAY		PT	
		DIA. VLY	83.6	149840	9291.59	100	130	71.47	260	4.0	H&G		PT	65H, 65
		DIA. VLY	75.6	108920	6761.40	100	125	54.09	563	4.5	HAY		PT	
		DIA. VLY	75.6	132840	8242.05	100	125	65.94	563	4.5	HAY		PT	
		DIA. VLY	80.0	154240	9566.71	100	125	76.53	563	4.5	HAY		PT	
		DIA. VLY	73.6	129720	8048.92	100	125	64.39	563	4.5	HAY		PT	
		DIA. VLY	88.4	173480	10757.66	100	130	82.75	650	5.0	HAY		PT	
		DIA. VLY	112.4	151400	9390.91	150	125	75.13	563	4.5	HAY		PT	
		DIA. VLY	79.6	164840	10222.84	100	130	78.64	650	5.0	HAY		PT	
		DIA. VLY	55.6	75932	4716.70	75	120	39.31	360	4.0	H&G		PT	90H 30G
		DIA. VLY	48.5	72738	4519.00	75	120	37.66	480	4.0	HAY		PT	
		DIA. VLY	42.0	82260	5108.40	50	120	42.57	480	4.0	HAY		PT	
		DIA. VLY	33.0	15870	1022.76	50	80	12.78	83	2.1	H&PST		OP	40H 40P
		DIA. VLY	49.0	100390	6233.39	50	160	38.96	217	2.1	H&PST		OP	105H 55

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CONSUMER	ACCOUNT	AREA	KW DEMAND	KWH	POWER COST	HP	ACRES	COST per/AC	HAY in TONS	TONS per/AC	CROP	% IRR EFF.	MTD	NOTES
AVERAGE	185 ACCOUNTS		71.3	115959	7209.14	92.1	128	56.44						
TOTAL			13189.1	21452392	1333691.30	17035	23630	56.44	79951	X$80T = $6,286,080				
AVERAGE COST per/ACRE FOR HAY			72.3	118440	1185872.72	92.7	19939	59.48			HAY			160ACCTS
AVERAGE COST per/ACRE FOR GRAIN			81.5	70073	17421.46	93.8	539	32.32			GRAIN			4 ACCTS
AVERAGE COST per/ACRE FOR H&G			76.7	127356	94840.98	102.1	1672	56.72			H&G			12 ACCTS
AVERAGE COST per/ACRE FOR H&PST			39.3	74072	13828.63	58.3	345	40.08						3 ACCTS
AVERAGE COST per/ACRE FOR M6&T6 W.S.			43.5	70909	8788.59	50.0	500	17.58	1500	3.0	M6&T6		OP	2 ACCTS
AVERAGE COST per/ACRE FOR HAY OP			47.7	86581	91603.79	65.0	1708	53.63			HAY		OP	17 ACCTS
AVERAGE COST per/ACRE FOR HAY WH&HL			82.7	137843	230825.79	98.9	3501	65.93			HAY		WH&HL	27ACCTS
AVERAGE COST per/ACRE FOR HAY PT			73.4	119042	851754.77	95.0	14562	58.49			HAY		PT	115ACCTS
AVERAGE TONS per/ACRE FOR HAY							21189		79951	3.8	HAY			139ACCTS
AVERAGE TONS per/ACRE FOR HAY OP							1643		5000	3.0	HAY		OP	16 ACCTS
AVERAGE TONS per/ACRE FOR HAY WH&HL							3268		9437	2.9	HAY		WH&HL	23ACCTS
AVERAGE TONS per/ACRE FOR HAY PT							13782		57375	4.2	HAY		PT	108ACCTS
		DIA. VLY	3.0	2290	224.00	7.5			DIDN'T FARM				OP	SOLD 85
		DIA. VLY		214	224.00	75			DIDN'T FARM				OP	BAD WELL
		LUND	24.0	16950	1065.71	40	38	28.05	EARLY W.S.		OH		OP	#S.T&W.S
		LUND	19.6	29258	1827.58	50	70	26.11	NO FIG		H&G		OP	N.S.&W.S
		LUND	40.0	92570	5746.61	50	185	31.06	NO FIG		OH		OP	N.S.&W.S
		LUND	64.0	57980	3605.47	75	115	31.35	NO FIG		OH		OP	N.S.&W.S
		LUND	13.4	9450	601.46	20	22	27.34	EARLY W.S.		OH		OP	#S.T&W.S
		LUND	22.0	43110	2685.01	25	34	78.97	136	4.0	HAY		WH	
		LUND	20.4	56232	3497.24	30	50	69.94	175	3.5	HAY		WH	
		LUND	30.0	22400	1403.07	40	100	14.03	NO FIG		H&G		OP	N.S.&W.S
		LUND	40.0	95771	5944.72	50	120	49.54	NO FIG		H&G		WH&OP	75H 45G
		LUND	17.3	3298	224.00	25	40	5.60			GRAIN		OP	NEW DEV.
		LUND	64.7	172632	10702.42	75	180	59.46	NO FIG		HAY		OP	W.S.
		LUND	10.3	4039	266.52	25	120	2.22	NO FIG		HAY		OP	N.S.&W.S
		LUND	68.0	110830	6876.89	75	140	49.12	490	3.5	HAY	140LFT	OP	
		LUND	76.0	140240	8697.37	75	88	98.83	308	3.5	HAY	160LFT	OP	2&3 TOG
		LUND	80.0	163090	10111.77	75	102	99.14	357	3.5	HAY	180LFT	OP	2&3 TOG
		LUND	37.5	26592	1662.56	50	60	27.71	120	2.0	HAY		OP	1986=87A
		LUND	55.5	101649	6308.58	75	60	105.14	120	2.0	HAY		WH	
		LUND	17.0	7070	448.64	20	83	5.41			PST		OP	W.S.
		LUND	115.0	93080	5548.65	125	125	44.39	92	1.5	OH&G		WH	60OH,65G
		LUND	30.0	31461	2056.40	40	55	37.39	250	4.5	HAY		OP	
		LUND	25.0	21100	1322.60	30	134	9.87	250	5.0	H,G&P	N.S.	OP	50H 25G
		LUND	21.0	20560	1289.18	50	95	13.57	200	4.0	H&PST	N.S.	OP	50H 45P
		LUND	18.2	28861	1805.74	20	20	90.29	31	1.6	OH		WH	
		LUND	58.0	110770	6875.93	75	90	76.40	360	4.0	HAY		OP	W.S.&S.T
		LUND	107.0	300040	18591.72	135	200	92.96	600	3.0	HAY	OP40	WH&OP	WH160
		LUND	28.0	51059	3177.04	40	41	77.49	164	4.0	HAY		WH	W.S.&S.T
		LUND	20.5	58580	3665.36	25	65	56.39	228	3.5	HAY	OP25	WH&OP	WH40
		LUND	31.0	74776	4647.88	50	61	76.19	244	4.0	HAY		WH	W.S.&S.T

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CONSUMER	ACCOUNT	AREA	KW DEMAND	KWH	POWER COST	HP	ACRES	COST per/AC	HAY in TONS	TONS per/AC	CROP	% EFF.	IRR MTD	NOTES
		LUND	19.0	34980	2184.51	20	19	114.97	75	5.0	H&PST		WH	15H,4PS
		LUND	69.0	52901	3288.33	75	200	16.44	560	4.0	H,G&PST	140H	OP	W.S. 20
		LUND	6.2	1708	224.00	15	20	11.20	80	4.0	HAY		OP	N.S.&W.S
		LUND	32.6	23314	1459.63	50	130	11.23	485	3.7	H&OH	OH35	OP	N.S.&W.
		LUND	29.0	35180	2194.17	40	90	24.38	360	4.0	HAY		OP	N.S.&W.
		LUND	38.4	48627	3026.51	50	140	21.62	560	4.0	HAY		OP	N.S.&W.S
		LUND	5.0	1680	224.00	10	4	56.00	14	3.5	HAY		OP	S.T. AVG
		LUND	89.0	179240	11111.46	100	171	64.98	599	3.5	HAY		OP	S.T. AV
		LUND	63.5	50747	3157.75	75	110	28.71	385	3.5	HAY		OP	N.S.&W.
		LUND	27.5	51426	3199.77	50	110	29.09	385	3.5	HAY		OP	N.S.&W.S
		LUND	186.0	418760	25940.50	250	375	69.17	1462	3.9	HAY		PT	
		LUND	176.6	342440	21287.81	250	300	70.96	1170	3.9	HAY		PT	
		LUND	21.0	63655	3959.49	30	170	23.29	765	4.5	HAY		PT	W.S.
		LUND	73.0	39080	2435.56	100	20	121.78	70	3.5	HAY		OP	
		LUND	66.0	100120	6213.93	100	60	103.57	224	3.7	HAY		OP	
AVERAGE	43 ACCOUNTS		47.8	78775	4896.83	62.3	103	47.73						
TOTAL			2055.2	3387306	210563.54	2680	4412	47.73	11319					
AVERAGE TONS per/ACRE FOR HAY							3081		11319	3.7	HAY			32 ACCTS
AVERAGE COST per/ACRE FOR HAY NO W.S			66.5	126000	133171.90	80.4	1804	73.82			HAY			17 ACCT
AVERAGE COST per/ACRE FOR HAY W.S.			34.5	54055	53910.36	47.5	1622	33.24			HAY			16 ACCT
		LUND	0.0	0	0.00	75	40						CONNECTED 11/15/85	
		STEPTOE	16.3	33423	2085.38	25	28	74.48	140	5.0	HAY		OP	H&GRASS
		STEPTOE	10.0	12300	777.87	10	10	77.79	10	5.0	H&PST		OP	8 PST.2H
		STEPTOE	11.4	87382	5425.47	30	160	33.91	NO FIG		HAY		WH	W.S.
		STEPTOE	10.0	14283	900.62	10	30	30.02	NO FIG		HAY	W.S.	HL	180 TTL
		STEPTOE	54.0	76980	4778.83	60	70	68.27	NO FIG		H&PST		WH	30H, 40P
		STEPTOE	61.0	11163	704.73	75	80	8.81	NO FIG		PST		OP	
		STEPTOE	32.2	31291	1953.42	40	40	48.84	120AC DLE1986		PST		WH	TTL 160
		STEPTOE	15.0	22615	1453.62	15	20	72.68	75	3.8	HAY		WH	
		STEPTOE	47.0	98040	6085.17	100	107	56.87	134	1.3	HAY		OP	S.T.
		STEPTOE	26.0	47630	2964.82	75	53	55.94	66	1.2	HAY		OP	S.T.
		STEPTOE	72.0	70240	4364.37	75	90	48.49	360	4.0	HAY		OP	J PARKER
		STEPTOE	27.0	85015	5278.94	50	90	58.65	135	1.5	HAY	45OP	OP&WH	45WH
		STEPTOE	27.0	109114	6770.64	40	80	84.63	192	2.4	HAY		OP	
		STEPTOE	38.0	59277	3683.00	50	120	30.69	180	1.5	HAY		WH	
		STEPTOE	66.0	68445	4250.50	75	130	32.70	195	1.5	HAY		WH	
		STEPTOE	86.8	142160	8816.21	100	161	54.76	612	3.8	HAY	49.3	WH&HL	
		STEPTOE	75.6	132440	8214.54	125	172	47.76	654	3.8	HAY	51.5	WH&HL	
		STEPTOE	63.8	91327	5669.63	80	67	84.62	255	3.8	HAY	42.2	WH	
		STEPTOE	62.0	85600	5332.39	100	140	38.09	350	2.5	HAY		OP	GAT.PIP
		STEPTOE	16.0	15200	957.40	20	25.3	37.92	85	3.4	HAY		OP	
		STEPTOE	9.0	10258	648.71	10	8.5	76.32	24	2.8	HAY		HL	
		STEPTOE	50.0	13838	870.31	75	10	87.03	PST IT OUT		HAY		OP	
		STEPTOE	63.0	81480	5062.87	100	96	52.74	240	2.5	HAY	61.8	WH	1,2,3TO
		STEPTOE	57.0	131460	8156.64	75	155	52.62	388	2.5	HAY	63.7	WH	1,2,3TO6

DATE: FEB. 28, 1986

CONSUMER	ACCOUNT	AREA	KW DEMAND	KWH	POWER COST	HP	ACRES	COST per/AC	HAY in TONS	TONS per/AC	CROP	% EFF.	IRR MTD	NOTES
		STEPTOE	64.0	125680	7798.84	100	149	52.34	373	2.5	HAY	55.5	WH	1,2,3TOG
		STEPTOE	88.8	63280	3936.28	100	80	49.20	200	2.5	HAY	69.7	WH	
		STEPTOE	65.6	127040	7883.03	100	160	49.27	400	2.5	HAY	65.6	WH	
		STEPTOE	44.0	158	224.00	50	260	0.86			H,G&P		OP	W.S.
		STEPTOE	69.0	25450	1583.61	115	120	13.20	NO FIG		HAY		PT	
		STEPTOE	64.0	60580	3758.16	75	120	31.32	NO FIG		HAY		PT	
		STEPTOE	58.8	120880	7496.22	100	100	74.96	250	2.5	HAY		WH	
		STEPTOE	13.0	8320	526.03	15	12	43.84	NO FIG		HAY		WH	
		STEPTOE	94.8	161320	9996.70	125	240	41.65	540	3.0	HAY	60N.H.	WH	S.T.
		STEPTOE	62.0	108800	6745.72	100	120	56.21	360	3.0	HAY		WH	S.T.
AVERAGE	34 ACCOUNTS		47.7	68602	4269.26	67.5	97.2	43.94						
TOTAL			1620.1	2332469	145154.67	2295	3304	43.94	6218					
AVERAGE TONS per/ACRE FOR HAY							2334		6218	2.7	HAY			24 ACCTS
AVERAGE COST per/ACRE FOR HAY NO W.S			50.6	83294	124177.65	73.1	2404	51.65			HAY			24 ACCTS
AVERAGE COST per/ACRE FOR HAY W.S.			10.7	50833	6326.09	20	190	33.30			HAY			2 ACCTS
		UTAH	21.0	7486	482.64	25	28.1	17.18			GRAIN	51.4	OP	? 1986
		UTAH	26.0	10365	660.85	30	67	9.86	3 HEAVY CROPS		H&G		HL	W.S. 80%
		UTAH	65.0	67991	4227.90	75	500	8.46	3 HEAVY CROPS		H&PST		OP	W.S.
		UTAH	3.0	623	264.00	10	126	2.10	504	4.0	HAY		PT	W.S.
		UTAH	82.4	22680	1406.64	100	800	1.76	2750	5.0	H,G&PT		OP	W.S.550H2
		UTAH	34.5	14200	895.48	50	200	4.48	250	5.0	H&PST		OP	W.S. 50H1
		UTAH	63.0	71627	4550.79	80	90	50.56	540	6.0	HAY		WH	
		UTAH	9.4	10374	661.40	15	8	82.68	NO FIG		HAY		HL	
		UTAH	36.0	43060	2684.67	40	80	33.56	24	3.0	H&G	46.0	WH	8H 72G
		UTAH	22.0	46646	2912.15	25	82.8	35.17	? 1986		CO&G	55.0	OP	17,2 TOG
		UTAH	17.0	23230	1457.21	20	52.1	27.97	? 1986		CO&G	53.9	OP	17,1 TOG
		UTAH	8.0	10050	635.85	10	220	2.89			PST		OP	W.S.
		UTAH	21.0	53987	3446.00	40	60	57.43	300	5.0	HAY	48.0	WH&HL	53-43EFF
		UTAH	84.0	186580	11565.82	100	125	92.53	625	5.0	HAY	52.8	WH	
		UTAH	48.0	39440	2500.59	75	150	16.67			GRAIN		PT	
		UTAH	23.0	47375	2974.51	25	57.5	51.73	162	4.5	H&G	48.4	PT	8,22 TOG
		UTAH	34.0	81600	5093.08	40	127	40.10	123	1.8	H&G	48.6	PT	70H 57G
		UTAH	35.0	56540	3541.86	40	127	27.89	231	6.5	H&G	52.3	PT	36H 91G
		UTAH	20.0	23732	1488.25	30	53.2	27.97	? 1986		CO&G	56.2	OP	41.2 TOG
		UTAH	29.0	71025	4415.71	45	135	32.71	NO FIG		H&PST	W.S.	WH	65H 70P
		UTAH	16.4	3386	226.09	30	100	2.26	300	3.0	HAY		OP	S.T.&W.S
		UTAH	26.0	6042	390.51	30	80	4.88			PST	36.2	OP	S.T.&W.S
		UTAH	3.0	3290	361.85	5	79	4.58			PST,GD&OR		OP	W.S.
		UTAH	15.0	7976	504.72	20	60	8.41	1,2&3 TOG.		H,G&PST		OP	W.S.
		UTAH	31.0	3980	254.62	40	30	8.49			H,G&PST		OP	W.S.
		UTAH	35.0	42382	2637.20	65	310	8.51	510	3.0	H,G&PST		WH&HL	W.S170H
		UTAH	14.0	21192	1328.29	15	45	29.52	NO FIG		H&G	BOOST	WH	S.T.&W.S
		UTAH	14.0	14750	924.03	60	30	30.80	NO FIG		H&G	PUMP	WH	S.T.&W.S
		UTAH	23.0	36424	2271.14	30	75	30.28	NO FIG		H&G	BOOST	WH&HL	S.T&W.S
		UTAH	25.0	42018	2620.17	30	100	26.20	400	4.0	HAY		WH	
		UTAH	24.0	43820	2731.71	25	61.5	44.42	162	4.5	H&G	57.1		8,22 TOG

VENT_001520

DATE: FEB. 28, 1986

CONSUMER	ACCOUNT	AREA	KW DEMAND	KWH	POWER COST	HP	ACRES	COST per/AC	HAY in TONS	TONS per/AC	CROP	% EFF.	IRR MTD	NOTES
		UTAH	46.0	67972	4223.98	75	177	23.86	177	1.0	GRAIN		WH	S.T.
		UTAH	43.5	46265	2880.32	75	123	23.42	123	1.0	GRAIN		WH	S.T.
		UTAH	89.6	46920	2915.35	100	100	29.15	300	3.0	HAY	60.4	WH	MIN. IR..
		UTAH	38.0	28950	1803.01	50	400	4.51	350	3.5	H&PST		DP	W.S.100H
		UTAH	5.5	4725	311.74	7.5	5	62.35			DR		HL	EST. AC
		UTAH	46.0	41920	2611.37	75	165	15.83	325	5.0	H.P&CO	65H	DP	70%WS4(
		UTAH	60.0	60320	3750.31	85	235	15.96	1175	5.0	HAY		DP	70% W.S.
		UTAH	76.0	77200	4795.18	100	125	38.36			GRAIN		PT	
		UTAH	54.0	15840	999.74	85	125	8.00			GRAIN		PT	
		UTAH	29.0	27870	1741.64	50	125	13.93			GRAIN		PT	
		UTAH	46.0	27521	1722.80	60	120	14.36	NO CUTTING		HAY		WH	NEW HAY
		UTAH	49.5	15365	967.59	75	325	2.98	1100	4.0	H&G	50%	DP	W.S.27
		UTAH	49.5	54893	3411.62	60	160	21.32			GRAIN	W.S.	WH	EST. AC.
		UTAH	15.0	9320	596.19	25	11.6	51.40			GD&WB	62.7	DP	
		UTAH	132.0	82480	5122.02	160	140	36.59	400	4.0	H.G&CO	20%	DP&WH	W.S.2(
		UTAH	51.0	80095	4974.38	75	147	33.84	NO FIG		H&G	56.6	WH	1606206n
		UTAH	102.0	116560	7226.06	125	213	33.93	NO FIG		H&G	63.0	WH	S.T.
		UTAH	20.0	10989	699.48	20	15	46.63	NO FIG		HAY		WH	EST. AC
		UTAH	26.0	43090	2686.53	30	47	57.16	188	4.0	HAY	35.9	DP	? 1986
AVERAGE	50 ACCOUNTS		37.7	39443	2471.10	51.2	136	18.12						
TOTAL			1886.3	1972166	123555.04	2558	6818	18.12	11019					
AVERAGE TONS per/ACRE FOR HAY							2479		10719	4.3	HAY			21 ACCTS
AVERAGE COST per/ACRE FOR HAY NO W.S.			45.4	64942	28446.06	56.4	530	53.67			HAY			7 ACCTS
AVERAGE COST per/ACRE FOR GRAIN NO W.S.			45.4	40296	17624.09	69.3	853	20.66			GRAIN			7 ACCTS
AVERAGE COST per/ACRE FOR H&G NO W.S.			43.6	67007	29226.27	52.9	813	35.95			H&G			7 ACCTS
AVERAGE COST per/ACRE FOR HAY W.S.			26.5	21443	4240.40	41.7	461	9.20			HAY			3 ACCTS
AVERAGE COST per/ACRE FOR H&G W.S.			25.3	19619	6151.90	42.0	542	11.35			H&G			5 ACCTS
		UTAH	6.0	720	324.00	10	WATER COWS		FILL TANK				DP	
		RR. VLY	118.0	374009	23269.85	125	261	89.16	1305	5.0	HAY	60.8		WELL
		RR. VLY	7.0	6997	780.00	10	9	86.67	45	5.0	HAY		PT	PT ONLY
		RR. VLY	88.0	174360	10806.64	100	960	11.26	NO FIG		HAY	W.S.	DP	12 CON.
		RR. VLY	86.0	226760	14052.95	100	145	96.92	300	3.8	H&CO	15%WEED	PT	80H 50L
		RR. VLY	86.8	41240	2566.51	125	30	85.55	120	4.0	HAY	W.S.	DP	70TTL AC
		RR. VLY	50.0	32893	2052.58	75	45	45.61	132	4.0	H&G		DP	S.T.&W.
		RR. VLY	85.0	49280	3066.93	150	67	45.78	268	4.0	H&G		DP	S.T.&W.
		RR. VLY	50.5	49757	3096.45	75	68	45.54	100H & 80G		H&G		DP	S.T.&W.S
		RR. VLY	32.0	17560	2000.00	50	50	40.00			PST	W.S.86	DP	RUN 19(
AVERAGE	9 ACCOUNTS		67.0	108094	6854.66	90.0	182	37.73						
TOTAL			603.3	972847	61691.91	810	1635	37.73	2170					
AVERAGE TONS per/ACRE FOR HAY							480		2170	4.5	HAY			6 ACCTS
AVERAGE COST per/ACRE FOR H&G W.S.			61.8	43977	8215.96	100.0	180	45.64			H&G			3 ACCTS

DATE: FEB. 28, 1986

CONSUMER	ACCOUNT	AREA	KW DEMAND	KWH	POWER COST	HP	ACRES	COST per/AC	HAY in TONS	TONS per/AC	CROP	I EFF.	IRR MTD	NOTES
		SPG. VLY	61.2	209626	12992.35	70	189	68.74	NO FIG		HAY		WH	W.S.
		SPG. VLY	6.3	7707	490.82	10	28	17.53	NO FIG		HAY	W.S.	WH&HL	191 TTL
		SPG. VLY	25.5	54585	3398.07	40	80	42.48	280	3.5	HAY		WH	
		SPG. VLY	38.5	46000	2858.40	60	202	14.15	960	4.8	HAY		WH	W.S.
		SPG. VLY	63.0	105423	6542.19	100	98	66.76	466	4.8	HAY		WH	W.S.
		SPG. VLY	15.5	18831	1182.15	40	17	69.54	81	4.8	HAY		WH	W.S.
		SPG. VLY	41.0	37560	2341.46	75	65	36.02	309	4.8	HAY		WH	W.S.
		SPG. VLY	37.6	31160	1939.80	100	450	4.31	2138	4.8	HAY		WH&HL	W.S.
		SPG. VLY	48.0	37164	2308.70	60	120	19.24	300	3.0	H&G	W.S.	OP	EST. 208
		SPG. VLY	63.5	74334	4615.03	75	100	46.15	450	4.5	HAY		HL	S.T.AVG
		SPG. VLY	86.4	172840	10712.55	100	160	66.95	720	4.5	HAY		HL&WH	S.T.AVG
		SPG. VLY	95.2	230880	14305.22	125	170	84.15	765	4.5	HAY		HL	S.T.AVG
		SPG. VLY	98.8	211720	13119.21	125	170	77.17	765	4.5	H&G	80 GR	WH	S.T.AVG
AVERAGE	13 ACCOUNTS		52.3	95218	5908.15	75.4	142	41.54	658	4.4				
TOTAL			680.5	1237830	76805.95	980	1849	41.54	7234					
AVERAGE TONS per/ACRE FOR HAY							1612		7234	4.5	HAY			11 ACCTS
AVERAGE COST per/ACRE FOR HAY NO W.S.			67.7	133160	33030.87	85.0	510	64.77			HAY			4 ACCTS
AVERAGE COST per/ACRE FOR HAY W.S.			37.6	65187	28347.17	65.0	1049	27.02			HAY			7 ACCTS

CO= CORN
G= GRAIN
GD= GARDEN
H= HAY
HS= HAY GRASS
MG= MEADOW GRASS
OH= OATHAY
OR= ORCHARD
P= PASTURE
PST= PASTURE
PO= POTATOE

HL= HAND LINE
OP= OPEN DISCHARGE
PI= PIVOT
WH= WHEEL LINE

TG=TANE GRASS
WD= WINDBREAK

AC= ACRES
ACCTS= ACCOUNTS
AVG= AVERAGE
CON= CONSUMER
EFF= EFFICIENCY
FL DAM= FLOOD DAMAGE
GPM= GALLONS PER MINUTE
HP= HORSEPOWER
IRR= IRRIGATION
KW= KILOWATT
KWH= KILOWATT-HOUR

LFT= LIFT
MET= METER
MIN= MINIMUM
MTD= METHOD
N.S.= NEW W.S. SISTEM
P= PUMP
TOG= TOGETHER
TTL= TOTAL
S.T.= SYSTEM TOGETHER
W.S.= WATER SUPPLEMENT

AV= AVAILABLE
FIG= FIGURE
FUT= FUTURE

ECO-VISION AND THE LANDER COUNTY RESOLUTION

Lander County

LANDER COUNTY PLANNING COMMISSION
315 South Humboldt St.
Battle Mountain, Nevada 89820
(702) 635-2860

DATE: December 15, 1992

TO: Interested Parties in the Eco-Vision Proposal

FROM: Cheryl Lyngar, Lander County

RE: Eco-Vision Update

On November 17, 1992 in Minden a meeting was held between Eco-Vision proponants, representatives of the rural counties and interested parties in the Eco-Vision project. Also present was Chris Barret and Susan Oldham of Sierra Pacific Power Company. Leading this meeting was Thomas H. Gallagher, President and Chief Executive Officer of Summit Engineering and the force behind this project.

Mr. Gallagher asserted that Eco-Vision is not a water grab. He said it is not a removal of water from the rural counties to be transported to Washoe County and that no water would be taken to Washoe County. He stated the project will help all of northern Nevada. He says the water will be used at South Fork Dam, Rye Patch Reservoir, Rock Creek Dam, Toulon Wildlife Area and Stillwater, to name a few.

Sierra Pacific Power Company has funded Eco-Vision in the amount of $ 250,000 for research and computer work. They are behind this project 100%. Sierra Pacific Power is working with Tom Gallagher and will continue to do so. They will own a part of this project when completed, but how much is not known at this time.

Tom Gallagher is also attempting to obtain Federal funding. There is money available, approximately fifteen million dollars a year for studies at Stillwater Refuge. If he gets money from the federal government, Mr. Gallagher stressed that the federal government will not own the water, but he hopes to sell this water at agricultural prices. The big problem will be the energy costs to pump the water when the project is built.

Mr. Gallagher made the following statements concerning the water basins:
1. The water rises naturally to the surface and pools, this is called water wicking.
2. Water evaporates 30 feet below the surface of the ground.

3. Water flows between the basins, from one basin to the other, even though the state says it doesn't.

The most troubling statement he made was that they may start test drilling in the next 8 months and they plan to drill 500 to 600 feet. This is a lot less than the 1,000 or 2,000 feet to the deep carbonate aquifer. He also stated that the water may not come from the area around the mines, they could take the water out of areas with better water. If they start pumping our water from 500 or 600 feet we could all be in trouble. How long would it be before our wells started dropping or drying up.

I'm afraid Mr. Gallagher is getting important people behind him and this project. This could affect our whole way of life in the rural areas. But, Mr. Gallagher assures us he will be willing to sell our water back to us, hopefully at agricultural prices.

I am enclosing a copy of the paper Mr. Gallagher handed out to us at the meeting. There were lots of interesting questions asked of him and he answered all of them. This was a very informative meeting. I think the project is worse than we originaly thought . I hope this helps in keeping you informed on what is happening.

Also enclosed is a Resolution that our District Attorney, Zane Miles, wrote and is sending to all organizations, clubs and governmental entities that are interested in this project. I urge you to read it and if you belong to any organizations, have this adopted at your meeting and sent to the Zane at P.O. Box 187, Battle Mountain, NV 89820.

If you have any questions, please call me at 635-2860. Thanks.

RESOLUTION

Of the Board of County Commissioners of Lander County, Nevada

WHEREAS, the State of Nevada is classified as a semi-arid climatic zone, receiving average annual precipitation of less than nine (9) inches, and

WHEREAS, the ecosystem of rural Nevada is a fragile thing, easily subject to desertification -- the transformation of semi-arid lands into deserts -- through misuse of the state's sparse water resources, and

WHEREAS, the rural Nevada ecosystem is dependent upon reservoirs of underground water for its survival between intermittent periods of rain and snow -- survival of the grasses, plants, trees, deer, sagehen, chukar, feral horses, waterfowl, raptors, sagebrush, coyotes, rabbits, cattle, badgers, fish, sheep, burros, and all the other plant and animal life which ekes out a precarious existence in Nevada's semi-arid valleys and mountains, and

WHEREAS, continued flow of springs and streams -- replenished directly by annual snows in the high country and occasional rainfall during the rest of the year and replenished indirectly by discharge from the shallow, basin-fill and deep carbonate aquifers underlying rural Nevada -- is critical to the region's ecology and economy, and

WHEREAS, the flow of surface waters is directly affected by the condition of the shallow and deep aquifers, the "base lake" without which annual recharge would quickly percolate downward beyond the use of plants and animals in the ecosystem, and

WHEREAS, the State of Nevada, through enactment of wise surface and underground water laws and regulations, has provided for continuing use of the state's scant water resources on a basis of sustainable yield rather than "pump and run" exploitation, and

WHEREAS, the residents of rural Nevada have developed a custom and culture of life which is adapted to the state's semi-arid climate, including grazing of cattle and irrigated production of hay, and

WHEREAS, agriculture has provided a stable, enduring lifestyle, tax base and economic foundation for Nevada's rural counties for more than 130 years, leveling out the economic peaks and valleys of mining's bonanzas and borrascas, and

WHEREAS, experience has shown that mining the water resource in excess of annual recharge results in environmental and economic damages, as has occurred in the Las Vegas Valley and parts of Diamond Valley, to wit, land subsidence and depression of water tables beyond the point of ecological and reasonable economic use, and

WHEREAS, pumping of giant deep wells or multiple well fields by large, corporate utilities, as in the southwest Truckee Meadows of Washoe, and near Valmy in in Humboldt County, has dramatically lowered regional water tables beyond the point of economic viability for domestic and agricultural wells, and

WHEREAS, development of the vast, rich mineral resource of rural Nevada benefits both the source areas and the entire state, and should be encouraged, and

WHEREAS, temporary dewatering in the immediate area of deep mines may be necessary, and is ecologically and economically acceptable so long as all possible steps are taken -- through reinjection and reinfiltration -- to minimize temporary lowering of the ground water table, and

WHEREAS, necessary temporary dewatering of mining areas should not be used as an excuse for permanent pumping or mining of water in excess of annual recharge, which would inexorably deplete the ground waters of rural Nevada, and

WHEREAS, Nevada's major mining interests have shown laudable foresight and civic responsibility, since the magnitude of mine dewatering has increased, causing concern about the effect of dewatering on the region's aquifers, by utilizing reinjection and infiltration to return dewater to the aquifers, thus minimizing adverse effects, and

WHEREAS, Nevada's experience to date has shown that dewatering, without reinjection or reinfiltration, dramatically lowers the ground water table some considerable distance from minesites, sharply dropping the static level of irrigation and municipal wells, and

WHEREAS, study by the U.S. Geologic Survey indicates that a porous layer of carbonaceous rock, deposited over eons by the seas which once covered the Great Basin, may contain a large volume of water known as the "deep carbonate aquifer," and

WHEREAS, the USGS study indicates the deep carbonate aquifer, located principally in western Utah and eastern Nevada, but extending northward into Idaho and westward into the California desert, is divided into five sub-regions with little or no horizontal flow (transmission) between the sub-regions: the Upper Humboldt system of northeastern and north central Nevada, the Railroad Valley system of central Nevada, the Death Valley system of southwestern Nevada and eastern California, the Colorado River system of southeastern Nevada and southwestern Utah, and the Great Salt Lake system of central and northern Utah and southeastern Idaho, and

WHEREAS, the USGS study indicates each of the independent deep carbonate systems is recharged by vertical flow (leakage) from the shallow, basin-fill aquifers of the Great Basin's basin and range province, and in part from direct precipitation into the deep aquifer in mountainous areas where the carbonaceous rock is exposed or near the surface, and

WHEREAS, the USGS study indicates that each of the deep carbonate aquifer systems naturally discharges large volumes of water to the surface, as in the Upper Humboldt system where the estimated annual recharge of 167,000 acre feet is balanced by the discharge of 27,000 acre feet per year (AFY) into the river and 140,000 AFY into springs and seeps to be used by wildlife for drinking and by plants through evapo-transpiration, and

WHEREAS, a corporation known as Eco-Vision has filed applications to appropriate some 385,000 AFY of underground water from the Upper Humboldt system, more than twice the annual, natural recharge/discharge of the system, and

WHEREAS, the Las Vegas Valley Water District has filed applications to appropriate some 800,000 AFY from other deep carbonate sub-basins, principally the Colorado River system underlying central and southeastern Nevada, and

WHEREAS, an entity known as Western Water Development Company is seeking to pump some 13,000 AFY from the Honey Lake Basin on the California-Nevada border to be transported to the Reno area to municipal-industrial use, and,

WHEREAS, Eco-Vision most recently (Nov. 17, 1992, at a presentation to Humboldt Basin counties at the annual Nevada Association of Counties conference) has indicated that it is considering pumping from aquifers as shallow as 600 feet below the surface, which could be the bottom of the basin-fill aquifers upon which rural Nevada depends, and

WHEREAS, Eco-Vision has received a substantial infusion of cash resources ($250,000) from Sierra Pacific Power Co., to study the feasibility of extracting water from the Humboldt Basin aquifers to be used to free up for domestic use certain Truckee River water which presently belongs to the Truckee-Carson Irrigation District, and

WHEREAS, it is apparent that the proposed Eco-Vision/Sierra Pacific and Las Vegas Valley Water District projects would result in the eventual "desertification" of the Humboldt Basin and Colorado River underground water systems, and

WHEREAS, the Honey Lake pumping project may result in degradation of ground water quality and lowering of the water table in the Honey Lake Valley, and

WHEREAS, Eco-Vision and Sierra Pacific have indicated (at their NACo presentation) that they will seek to divert federal funds intended to purchase water for Pyramid Lake and the Stillwater Refuge to finance the Eco-Vision research and development, and

WHEREAS, the Eco-Vision/Sierra Pacific and Las Vegas Valley Water District proposals are so similar in nature that whichever one is heard first by the Nevada State Engineer will set a persuasive precedent for the second, and the Honey Lake proposal may set precedent, and

WHEREAS, rural Nevada must act decisively and in concert to prevent ecological and economic disaster, which surely would result from implementation of the proposed water diversions in the Humboldt River Basin, central and southeastern Nevada, and Honey Lake Valley,

NOW, THEREFORE, the Board of County Commissioners of Lander County, Nevada, does hereby:

RESOLVE that it strenuously and unalterably opposes any diversions of underground water which would adversely affect the ecology, economy, or tax base of, or water quality in, rural Nevada counties, and

RESOLVE that any entity, whether private corporation or public agency, which proposes to divert water from the aquifers underlying semi-arid rural Nevada must be required to prove by a high standard of proof, at a minimum by clear and convincing evidence, that the proposal will not adversely affect the ecology, ecopomy, or tax base of the source areas, and

RESOLVE that any entity, whether private corporation or public agency, which proposes to conduct research, drill and operate test wells, or otherwise study or initiate projects which would divert underground water from Nevada's semi-arid rural areas must be required to conduct such research openly, making all data ob-

tained available without restriction to the source areas, including preliminary data as soon as such is developed, and

RESOLVE that any entity, whether private corporation or public agency, which proposes to conduct research, drill and operate test wells, or otherwise study projects which would divert underground water from Nevada's semi-arid rural areas must be required to provide the proposed source areas with sufficient funding to allow the source areas to retain independent scientific and economic experts to evaluate preliminary and final research data during the research process, and

RESOLVE that authorization of "reasonable lowering" of the underground water table by a later appropriator, pursuant to Nevada's underground water law and regulations, shall not be construed to permit: (1) any lowering of the water table which results in drying of springs or seeps, shortening the period of seasonal flow of intermittent streams, reduction of the availability of springs, seeps or streams for wildlife watering and livestock watering purposes, or reduction of the subsurface moisture required for plant life cycles; (2) any lowering of the water table in irrigated agriculture zones which, given the crop fields reasonably anticipated and the cost of pumping, would make it unfeasible to continue economic use of the land for irrigated agriculture; (3) lowering of the static water table in pre-existing domestic wells by more than fifty (50) feet, and

RESOLVE that no diversion of underground water for the benefit of wetlands remote from the water source shall be permitted if the diversion or diversions would adversely affect wetlands contiguous or proximate to the water source, and

RESOLVE that the Governor of the State of Nevada, the Nevada State Engineer, and the Nevada Legislature hereby are memorialized and urged to adopt, by administrative regulation and statute, the points set forth in this Resolution, and to implement the same forthwith.

RESOLVE that Nevada's congressional delegation hereby is memorialized to oppose lobbying efforts by Eco-Vision/Sierra Pacific Power Company, the Las Vegas Valley Water District, and any other entity or agency to support diversion of or research preparatory to diversion of underground water except under the conditions set forth in this resolution.

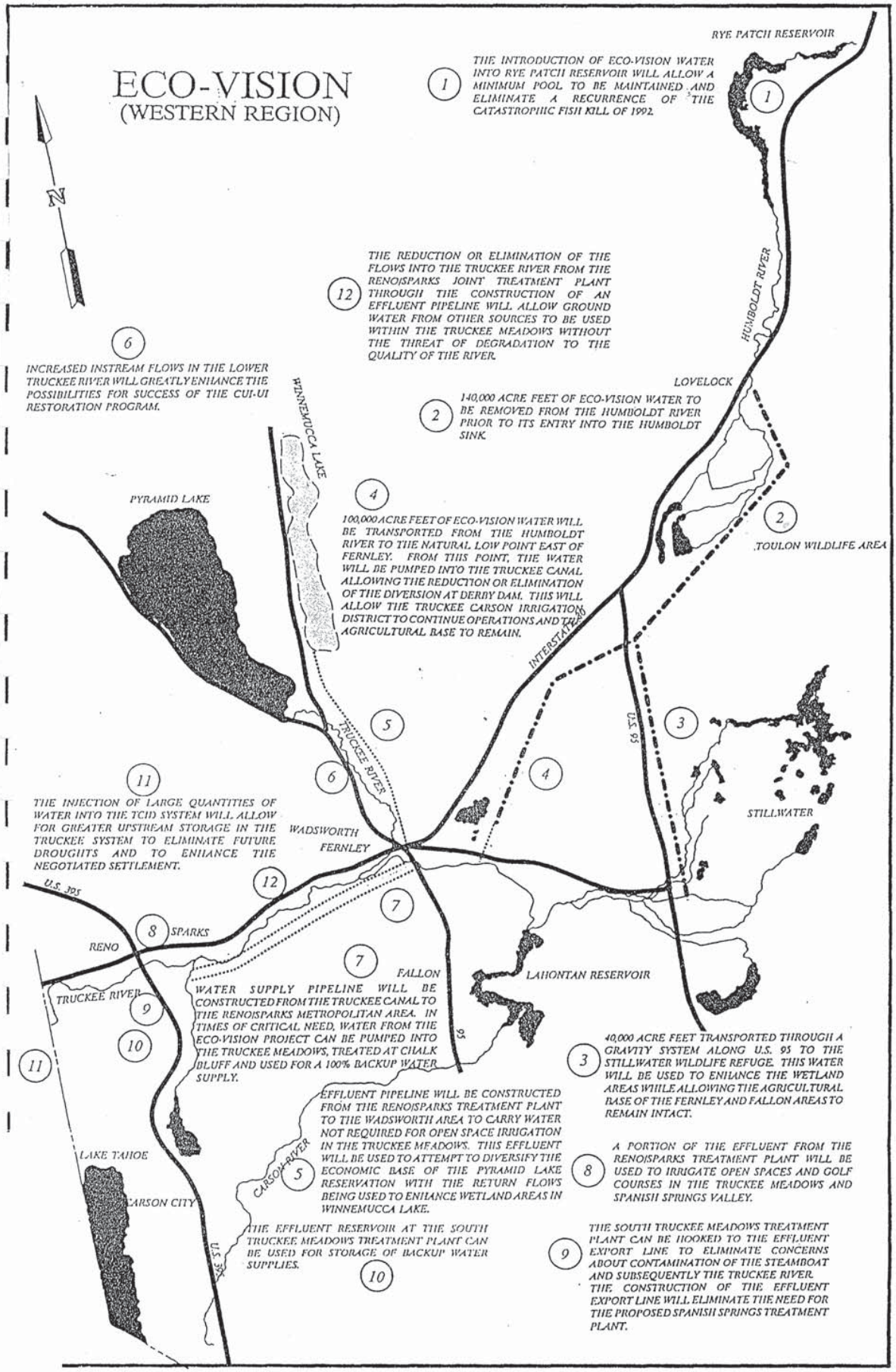
ADOPTED this _____ day of _____, 1992.

BOARD OF LANDER COUNTY COMMISSIONERS

By _____
Gloria Derby, Chairman

ATTEST:

_____
Judy Negro, County Clerk


ECO-VISION
(WESTERN REGION)
N
RYE PATCH RESERVOIR
1 THE INTRODUCTION OF ECO-VISION WATER INTO RYE PATCH RESERVOIR WILL ALLOW A MINIMUM POOL TO BE MAINTAINED AND ELIMINATE A RECURRENCE OF THE CATASTROPHIC FISH KILL OF 1992.
HUMBOLDT RIVER
12 THE REDUCTION OR ELIMINATION OF THE FLOWS INTO THE TRUCKEE RIVER FROM THE RENO/SPARKS JOINT TREATMENT PLANT THROUGH THE CONSTRUCTION OF AN EFFLUENT PIPELINE WILL ALLOW GROUND WATER FROM OTHER SOURCES TO BE USED WITHIN THE TRUCKEE MEADOWS WITHOUT THE THREAT OF DEGRADATION TO THE QUALITY OF THE RIVER.
6 INCREASED INSTREAM FLOWS IN THE LOWER TRUCKEE RIVER WILL GREATLY ENHANCE THE POSSIBILITIES FOR SUCCESS OF THE CUI-UI RESTORATION PROGRAM.
LOVELOCK
2 140,000 ACRE FEET OF ECO-VISION WATER TO BE REMOVED FROM THE HUMBOLDT RIVER PRIOR TO ITS ENTRY INTO THE HUMBOLDT SINK.
WINNEMUCCA LAKE
PYRAMID LAKE
4 100,000 ACRE FEET OF ECO-VISION WATER WILL BE TRANSPORTED FROM THE HUMBOLDT RIVER TO THE NATURAL LOW POINT EAST OF FERNLEY. FROM THIS POINT, THE WATER WILL BE PUMPED INTO THE TRUCKEE CANAL ALLOWING THE REDUCTION OR ELIMINATION OF THE DIVERSION AT DERBY DAM. THIS WILL ALLOW THE TRUCKEE CARSON IRRIGATION DISTRICT TO CONTINUE OPERATIONS AND THE AGRICULTURAL BASE TO REMAIN.
TOULON WILDLIFE AREA
INTERSTATE 80
U.S. 95
STILLWATER
TRUCKEE RIVER
11 THE INJECTION OF LARGE QUANTITIES OF WATER INTO THE TCID SYSTEM WILL ALLOW FOR GREATER UPSTREAM STORAGE IN THE TRUCKEE SYSTEM TO ELIMINATE FUTURE DROUGHTS AND TO ENHANCE THE NEGOTIATED SETTLEMENT.
WADSWORTH
FERNLEY
U.S. 395
RENO
SPARKS
7 FALLON WATER SUPPLY PIPELINE WILL BE CONSTRUCTED FROM THE TRUCKEE CANAL TO THE RENO/SPARKS METROPOLITAN AREA. IN TIMES OF CRITICAL NEED, WATER FROM THE ECO-VISION PROJECT CAN BE PUMPED INTO THE TRUCKEE MEADOWS, TREATED AT CHALK BLUFF AND USED FOR A 100% BACKUP WATER SUPPLY.
LAHONTAN RESERVOIR
3 40,000 ACRE FEET TRANSPORTED THROUGH A GRAVITY SYSTEM ALONG U.S. 95 TO THE STILLWATER WILDLIFE REFUGE. THIS WATER WILL BE USED TO ENHANCE THE WETLAND AREAS WHILE ALLOWING THE AGRICULTURAL BASE OF THE FERNLEY AND FALLON AREAS TO REMAIN INTACT.
EFFLUENT PIPELINE WILL BE CONSTRUCTED FROM THE RENO/SPARKS TREATMENT PLANT TO THE WADSWORTH AREA TO CARRY WATER NOT REQUIRED FOR OPEN SPACE IRRIGATION IN THE TRUCKEE MEADOWS. THIS EFFLUENT WILL BE USED TO ATTEMPT TO DIVERSIFY THE ECONOMIC BASE OF THE PYRAMID LAKE RESERVATION WITH THE RETURN FLOWS BEING USED TO ENHANCE WETLAND AREAS IN WINNEMUCCA LAKE.
8 A PORTION OF THE EFFLUENT FROM THE RENO/SPARKS TREATMENT PLANT WILL BE USED TO IRRIGATE OPEN SPACES AND GOLF COURSES IN THE TRUCKEE MEADOWS AND SPANISH SPRINGS VALLEY.
LAKE TAHOE
CARSON CITY
CARSON RIVER
U.S. 50
THE EFFLUENT RESERVOIR AT THE SOUTH TRUCKEE MEADOWS TREATMENT PLANT CAN BE USED FOR STORAGE OF BACKUP WATER SUPPLIES.
10
9 THE SOUTH TRUCKEE MEADOWS TREATMENT PLANT CAN BE HOOKED TO THE EFFLUENT EXPORT LINE TO ELIMINATE CONCERNS ABOUT CONTAMINATION OF THE STEAMBOAT AND SUBSEQUENTLY THE TRUCKEE RIVER. THE CONSTRUCTION OF THE EFFLUENT EXPORT LINE WILL ELIMINATE THE NEED FOR THE PROPOSED SPANISH SPRINGS TREATMENT PLANT.

EUREKA COUNTY AND ACQUISITION OF WATER WITHIN

THE DIAMOND VALLEY WATER BASIN

The ruling, the lawsuit, the decisions, and other related matters are included in this section. As the reader can see the Nevada Supreme Court remanded the case back to the State Engineer thus on a practical basis over ruling Seventh District Court Judge Merlyn H. Hoyt's decision and allowing the State Engineer to avoid facing up to his responsibilities in the Diamond Valley Water Basin. Almost without exception the past several years Nevada Court decisions and those of the State Engineer have eroded prior rights. Whether this is a judicious application of the law is open to debate, however on a practical level any such debate would be an esoteric exercise.

It will be evident in the section following this one featuring a related suit and the Second Judicial Court decision in the Pyramid Lake Paiute Tribe of Indians, and Board of Supervisors, Lassen County, California versus R. Michael Turnipseed, Nevada State Engineer, Washoe County, Northwest Nevada Water Resources, Ltd., and Fish Springs Ranch, Ltd., the decision went against the State Engineer and the other defendants. It will also be noted the presiding judge in that case referred to a previous federal court decision. In other words the state court was bound by a previous federal decision and it is an open question without this federal court case whether or not the outcome would have been the same.

It has been said recently that the Nevada Supreme Court is the most disreputable division of Nevada State Government. The recent fiasco over the Governor appointing a district judge to exclude a newly elected supreme court justice from hearing a case of alleged judicial misconduct while a sitting justice reported to be a former law partner of the district judge whose conduct is before the court to sit in judgment points to the strong possibility the reputation of the Supreme Court should be shared by other branches of Nevada State Government. The Governor Office's claim this was nothing more than a routine matter has a hollow ring and it is an open question whether or not this was a bare faced effort on the part of the "good ole boys" net work out to protect one of its own and got caught.

The 1989 Legislature passed AB 512 which was pushed through by powerful will financed private interests. According to records obtained from the Nevada Legislative Counsel Research Bureau AB 512 was passed in the committee without a dissenting vote. This new law gives preferential treatment to power and

money and goes hand in hand with the spirit of the Supreme Court decision in the Eureka water issue. According to the records only one member of the legislative subcommittee voiced any concern over the impact this bill might have on rural areas. One committee member put it this way, "There was a lot of power and money behind that bill." Going in lock step with this statement is the claim by a newly elected member of the legislative body that in the west water runs uphill to power and money. Another rule is also applicable: Power and money corrupt.

At this juncture it is appropriate to point out the Eco-Vision scheme which was supposed to tap the so-called deep water aquifer several thousand feet down is now going to test drill only six hundred feet down which is not water defined as part of the deep water aquifer. It is notable too some of the backers of this scheme were allowed to intervene on behalf of Eureka County case heard by the Nevada Supreme Court.

In December of 1992 the State Engineer met with Diamond Valley farmers and reportedly informed them the Nevada Supreme Court ruled water rights could not be forfeited retroactively and went on to tell them if any thought they may have a well not used in the past five years they had better start their pumps to cure that potential problem.

What we have here is mob rule and the State Engineer pandering to the crowd. This is exactly what he did during the 1982 hearings and in the similar meeting he had with the same farmers the fall of 1982.

He was also reported to have told them since the 1981 legislative session no water rights could be put in jeopardy if the owner was having financial problems. If this is true every farmer in the Diamond Valley Water Basin would be safe until the Farmers Home Administration foreclosed on his or her farm as it has done so many times in the Basin, writing off hundreds of thousands of dollars in outstanding loans in each case, reselling the property for a few cents on the dollar and then in many times financing the new owner one hundred percent thus starting the whole process all over again to the entire valley's detriment.

Diamond Valley is the Farmers Home Administration equivalent of the present savings and loan scandal and very likely the electrical power consortium involved in serving the valley is the REA's equivalent of the same.

Last it is important to understand this lawsuit, the others over water in the Diamond Valley Water Basin and the present predicament the Basin finds itself would not have taken place if there had not been a conspiracy concocted within the Department of Conservation and Natural Resources, its Division of Water Resources and possibly other state agencies as well to violate State Water Law and prior rights. It is apparent from the statements made on behalf of the Governor by the Division of Water Resources in a proposed September 24, 1962 letter to Kenneth L. Mann of Elko, Nevada this plan had the approval of the Governor's office. It is also readily apparent this conspiracy is alive and well today.

BOB MILLER
Acting Governor

STATE OF NEVADA

ROLAND D. WESTERGARD
Director

PETER G. MORROS
State Engineer

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES
Capitol Complex
201 S. Fall Street
Carson City, Nevada 89710

52892

June 20, 1989

Town of Eureka
P.O. Box 257
Eureka, Nevada 89316
Certified Mail #P117 624401

Edward B. Anderson
P.O. Box 27
Eureka, Nevada 89316
Certified Mail #P117 624402

Lumos and Associates, Inc.
800 E. Graves Lane
Carson City, Nevada 89706
Certified Mail #P117 624403

T. M. Thompson
Diamond Springs Ranch
Eureka, Nevada 89316
Certified Mail #P117 624404

To Whom It May Concern:

You and each of you please take notice that the State Engineer has scheduled a public hearing pursuant to the authority set forth in NRS 533.365 and 533.375. The purpose of the hearing will be to consider protested Application 52892. This hearing will also consider whether the base right, Permit 20478, Certificate 6243, is subject to forfeiture as set forth in NRS 534.090.

The hearing will convene promptly at **11:00 A.M., Wednesday, July 5, 1989, in the Eureka County Courthouse Court Room in Eureka, Nevada.**

Application 52892 was filed on January 27, 1989, by the Town of Eureka requesting permission from the State Engineer to change the point of diversion, the place of use and the manner of use of the public waters of the State of Nevada, heretofore appropriated from the underground source in the Diamond Valley Groundwater Basin under Permit 20478, Certificate 6243. The proposed manner of use of Application 52892 is for municipal purposes.

Application 52892 was timely protested by Edward B. Anderson and T. M. Thompson.

At the hearing, the protests will be considered along with all relevant evidence and testimony pertaining to Application 52892 and any possible forfeiture of Permit 20478, Certificate 6243. The protestants and the applicant and/or their representatives should be prepared to present evidence to support their respective position. Upon completion of evidence and/or testimony by the applicant and protestants, comments will be taken from interested parties.

The cost of the hearing will be borne on a pro rata basis by the applicant and the protestants.

If you have any questions in regard to this matter, please feel free to contact this office.

Sincerely,

Hugh Ricci, P.E.
Chief, Ground Water Section

HR/bc

cc: Capitol Reporters
Karen Peterson
Leonard Fiorenzi
Eureka County Clerk
Peter J. Goicoechea
Elko Branch Office

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF FORFEITURE OF WATER RIGHTS UNDER PERMIT 20478, CERTIFICATE 6243 AND THE MATTER OF APPLICATION 52892 TO CHANGE THE WATERS FROM AN UNDERGROUND SOURCE IN DIAMOND VALLEY, EUREKA COUNTY, NEVADA.

RULING

GENERAL

I.

Application to change 52892 was filed on January 27, 1989, by the Town of Eureka. Application 52892 sought to change the point of diversion, manner of use and place of use of 2.51 c.f.s. and 640 acre-feet annually which is a portion of water from an underground source heretofore appropriated under Permit 20478, Certificate 6243. The proposed point of diversion is within Lot 9, Section 28, T.20N., R.53E., M.D.B.&M. The proposed place of use being within a portion of Sections 13, 14, 23 and 24 all in T.19N., R.53E., M.D.B.&M. The existing point of diversion is within the NE¼ SW¼, Section 10, T.20N., R.53E., M.D.B.&M. and the existing place of use is within the SW¼, Section 10, T.20N., R.53E., M.D.B.&M. The proposed manner of use is for municipal purposes and the existing manner of use is for irrigation and domestic purposes.[1]

II.

Application 20478 was filed by Robert Wilson on May 23, 1962, to appropriate water from an underground source for irrigation and domestic purposes. The point of diversion was within the NE¼ SW¼, Section 10, T.20N., R.53E., M.D.B.&M. and the proposed place of use was within the S½, Section 10, T.20N., R.53E. A permit was issued under Application 20478 on February 19, 1963, for 5.4 c.f.s. for irrigation and domestic purposes.[2] Certificate 6243 was issued under said permit on March 30, 1967 for 5.021

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[1] Records in the office of the State Engineer. Also, see State of Nevada Exhibit Nos. 2 and 5 from the public administrative hearing, hereinafter referred to as "hearing", before the State Engineer on July 5, 1989, in Eureka, Nevada. The transcript of this hearing is a matter of public record in the office of the State Engineer.

[2] Records in the office of the State Engineer.

c.f.s., but not to exceed 1,280 acre-feet annually for the irrigation of 320 acres of land.[3]

III.

The ownership of the water rights for a portion of Permit 20478 has been transferred to the Town of Eureka. The portion of the right transferred to the Town of Eureka under Permit 20478, Certificate 6243 is described as 160 acres within the SW¼ Section 10, T.20N., R.53E., M.D.B.&M. limited to an annual duty of 640 acre-feet.[4]

IV.

Application 52892 was timely protested by Edward B. Anderson on April 20, 1989, on the following grounds:[5]

> This is Notice of Protest of Water Permit for the Town of Eureka, Eureka County, Nevada. Application #52892. Reasons for Protest.
>
> (1) Well was drilled before establishing point of diversion or acquiring a permit.
>
> (2) Some of the funds used by the County were used illegally because they were taxes paid by all property owners in Diamond Valley and all of these people are to be denied use of this water because it will be for the Town of Eureka.
> Since the County is paying for this with County funds will the water belong to the County or the Town?
>
> (3) The water acquired by the County or the Town of Eureka from Farm Home Administration is out of compliance for more than five years.

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[3] Records in the office of the State Engineer and State of Nevada Exhibit No. 6, July 5, 1989, hearing.

[4] Records in the office of the State Engineer under 20478.

[5] Records in the office of the State Engineer and State of Nevada Exhibit No. 3, July 5, 1989, hearing.

(4) I own a farm composed of the North ½ of S. 29, T20N, R53E, M.D.B.M. Which joins sec 28, and at least one of my wells is being pumped to full capacity. It is almost a certainty that pumping from a new well in this area will reduce the water in that well and damage my prior rights.

(5) I own shares in a well belonging to Devils Gate Water users Coop which also can be damaged by pumping from a new well. The coop well is locited Govirnment Lot 16 of S-29 T20N R53E, M.D.B.M Which is also adjacent to S-28.

(4) and (5) This is a formal Protest of the transfer of point of diversion of the County of Eureka Water, to the Town of Eureka under Certificate 6243 to a point in Lot 9, S28, T20N, R53E, M.D.B.M.

V.

Application 52892 was timely protested by T.M. Thompson on May 5, 1989, on the following grounds:[6]

See attached photocopies. As you well know I filed a protest with your office in September 1981 when the flow of Diamond Springs dropped from 2057 gpm to 26 gpm. You also know Diamond Springs Ranch has the oldest water right in the valley. Since the hearing in 1982 not only have you continued to refuse to bring any control but in fact more wells have gone into use since that period. For the past three winters I have had to pack domestic water.

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[6] Records in the office of the State Engineer and State of Nevada Exhibit No. 4, July 5, 1989, hearing. Protestant Thompson attached to his protest copies of certain pages of a transcript of litigation before Washoe County District Court in another matter.

VI.

Evidentiary presentations were made by the applicants and protestants at a public administrative hearing before the State Engineer on July 5, 1989, in Eureka, Nevada.[7] The State Engineer took administrative notice of other matters more fully set forth in the record.[8]

VII.

The State Engineer verbally ruled at the conclusion of the administrative hearing that 440 acre-feet representing a portion of the water under Permit 20478, Certificate 6243 acquired by Eureka County had been forfeited because of non-use for a period of 5 consecutive years. The following findings of fact and conclusions are entered in the matter of the determined forfeiture and the limited approval of Application to Change 52892.[9]

FINDINGS OF FACT

I.

Application 20478 was filed on May 23, 1962, by Robert Wilson to appropriate 5.4 cubic feet per second (c.f.s.) of water from an underground source for irrigation and domestic purposes. On February 19, 1963, a permit was granted under Application 20478 for 5.4 c.f.s. to irrigate 320 acres of land within the S½ Section 10, T.20N., R.53E., M.D.B.&M. On August 27, 1963, and October 7, 1963, the Proofs of Commencement and Completion of Work respectively were filed attesting that the well had been drilled and completed. On November 26, 1965, the Proof of Beneficial Use was filed along with supporting documents and Certificate 6243 was subsequently issued on March 30, 1967, for 5.021 c.f.s. not to exceed 1280.0 acre-feet annually to irrigate 320 acres of land in the S½ Section 10, T.20N., R.53E., M.D.B.&M.[10]

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[7] See footnote 1.

[8] See transcript of hearing page 12.

[9] See transcript of hearing, pages 216 through 220, inclusive.

[10] Public record in the office of the State Engineer under Permit 20478.

II.

On July 5, 1989, the ownership of Permit 20478, Certificate 6243 was reflected in the records of the State Engineer's office to be in the name of Eureka County for the SW¼ Section 10 and Jerry, Cheri, LeRoy and Sandra Sestanovich for the SE¼ Section 10, T.20N., R.53E., M.D.B.&M. Several ownership changes have occurred under this right and are reflected in records of the State Engineer's office.[11]

III.

The State Engineer's office has maintained pumpage, water level and water use inventories on an annual basis in Diamond Valley Groundwater Basin since 1967. The points of diversion under Permit 20478, Certificate 6243, and Application to Change 52892 lie within the Diamond Valley Groundwater Basin. Records in the State Engineer's office reflect that no groundwater was withdrawn or pumped under Permit 20478, Certificate 6243 from 1981 to 1986, a period of six (6) consecutive years.[12]

IV.

Evidence and testimony received into the record provides substantial evidence that a portion of the land in the SW¼ of Section 10, T.20N., R.53E., M.D.B.&M. was irrigated during 1984. The record establishes with reasonable certainty that approximately 200 acre-feet of water was withdrawn from the well under Permit 20478, Certificate 6243 and used for irrigation purposes on approximately 60 acres of land. The record establishes that this groundwater withdrawal occurred in July and August of 1984

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[11] See footnote 10.

[12] Public record in the office of the State Engineer and State of Nevada Exhibits 8-A through 8-H and testimony of Andrew Erickson pages 61 through 90, inclusive, July 5, 1989, hearing.

after the Spring measurements and before the Fall measurements by the State Engineer's office.[13]

V.

The record of evidence and testimony clearly establishes that 440 acre-feet were not placed to beneficial use under Permit 20478, Certificate 6243 for a period of six (6) consecutive years.[14]

VI.

Application to Change 52892 does not constitute a request for a new appropriation of water but rather seeks to change the point of diversion, manner and place of use of an existing right. There was no evidence in the record that the granting of Application to Change 52892 in the amount of 200 acre-feet annually would adversely affect or impair existing rights.[15]

VII.

Application 52892 proposes to change an existing irrigation right to municipal use to serve the needs of the Town of Eureka, Eureka County, Nevada. The record reflects a decline in quantities of water available to the Town of Eureka from their existing and

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[13] See testimony of Linda L. Brown pages 22 through 61, inclusive; Edward B. Anderson, pages 91 through 105, inclusive; Paul Lumos, pages 105 through 138, inclusive; Jerry Sestanovich, pages 138 through 154, inclusive; Robert Lee Smith, pages 154 through 172, inclusive; Jim Baumann, pages 172 through 181, inclusive; Pam Buffham, pages 181 through 190, inclusive; July 5, 1989, hearing. Also see Protestant Anderson Exhibit No. 1; Applicant Exhibit No. 11; Applicant Exhibit No. 3; Applicant Exhibit No. 5; and Applicant Exhibit No. 4.

The annual water use inventory is normally conducted by the State Engineer's office at the same time that the annual water level measurements are made in the field. This is normally during October or November. The record reflects that water use under Permit 20478 in 1984 occured during July and August and that subsequent to that cattle were turned into the place of use that was alleged as subject to the forfeiture. It can reasonably be assumed that cattle grazing on this land contributed substantially to destroying evidence that water had been placed to beneficial use on the land during July and August of 1984. When staff of the State Engineer's office viewed the land in the field on November 7, 1984, there was no evidence of beneficial use. See testimony of Robert Lee Smith and Applicant's Exhibit No. 3; and testimony of Jerry Sestanovich.

[14] See footnote 13.

[15] NRS 533.370 Subsection 3.

historical sources. Concerns are documented in the record reflecting inadequate culinary and fire protection quantities of water from these sources. After careful review of the entire record the State Engineer finds that the granting of Application 52892 in the amount of 200 acre-feet annually is in the public interest and welfare.[16]

VIII.

In the State Engineer's verbal ruling at the conclusion of the administrative hearing he limited the diversion rate under the approval of Change Application 52892 to 1.0 c.f.s. Upon further reflection and a request for reconsideration by the applicant, County of Eureka, and additionally, consideration of the protestants opposition to reconsideration of the diversion rate, the State Engineer finds that it is in the public interest to amend his verbal ruling of July 5, 1989, and approve a maximum diversion rate of 1.78 c.f.s. not to exceed an annual duty of 200.0 acre-feet. The permittee, County of Eureka, or successor in interest will be required to install a totalizing meter before any diversion of water and maintain records on the total amount of water diverted annually.[17]

CONCLUSIONS

I.

The State Engineer has jurisdiction of the subject matter contained herein.[18]

II.

The State is prohibited from granting an application to change an existing right if that change:[19]

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[16] NRS 533.370 Subsection 3.

[17] See public record in the office of the State Engineer, letter dated August 3, 1989, under signature of Frank Yeamans, Attorney at Law and letter dated July 17, 1989, under signature of Protestant Edward B. Anderson and letter dated July 11, 1989, under signature of Applicant's agent, Paul Lumos.

[18] NRS Chapters 533 and 534.

[19] NRS 533.370 Subsection 3.

a) conflicts with other existing rights, or

b) is not in the public interest.

III.

A portion of Permit 20478, Certificate 6243 is forfeited in the amount of 440 acre-feet because of non-use for a period in excess of five (5) consecutive years.

IV.

The granting of Application to Change 52892 will not interfere with or impair existing rights.

V.

The granting of Application to Change 52892 is in the public interest.

VI.

The issuance of a permit under Application to Change 52892 will be limited to a diversion rate of 1.78 c.f.s. not to exceed an annual duty of 200.0 acre-feet.

VII.

It is in the public interest to require that a totalizing meter be installed under Permit 52892 and annual pumpage records be maintained and submitted to the State Engineer's office.

RULING

The protests to the granting of Application to Change 52892 are upheld in part and overruled in part. Four hundred and forty (440) acre-feet of water under Permit 20478, Certificate 6243 is declared forfeited. The protests to the granting of Application to Change 52892 are overruled to the extent that Application 52892 is approved in the

amount of a diversion rate of 1.78 c.f.s. not to exceed an annual duty of 200.0 acre-feet and on the further grounds that the approval will not impair existing rights or be detrimental to the public interest.

Respectfully submitted,

PETER G. MORROS
State Engineer

PGM/HR/bk

Dated this 10th day of

August, 1989.

LUMOS & ASSOCIATES INC.
Civil Engineers ● Surveyors ● Materials Testing
800 East Graves Lane, Carson City, NV 89706, (702) 883 - 7077
3670 Grant Dr., Suite 102, Reno, NV 89509, (702) 827 - 6111
141 Industrial Way, Fallon, NV 89406, (702) 423 - 2188

July 11, 1989

Peter Morros, State Engineer
Division of Water Resources
201 S. Fall Street
Carson City, Nevada 89710

Re: Water Rights Application #52892

Dear Pete:

The above referenced application for Eureka, Nevada, was heard and ruled on July 5, 1989, in Eureka, and in that ruling the maximum diversion rate was established at 1 cfs and a duty of 200 acre feet annually.

The pumping system to Eureka has been designed to pump 800 gpm or 1.78 cfs. This design was proposed to be able to meet fire flows and peak day demands with the storage tanks providing peak hour demands, fire storage and emergency storage. Realizing the distance the water must be pumped to Eureka, and the necessity to meet critical demands, on behalf of Eureka, it is requested that you consider a diversion rate for Permit #52892 of at least 1.78 cfs.

Thank you in advance for consideration, and if there is any additional information needed, please let me know.

Sincerely,

Paul Lumos, P.E.
President
Lumos & Associates, Inc.

PL:sg

cc: Edward B. Anderson
T. M. Thompson
Margo Macartney, Atty.
Frank Yeamans, Atty.
Karen Peterson, Atty.
Lenny Fiorenzi, Eureka County