

IN THE MATTER OF APPLICATIONS)
26587 THROUGH 26594, FILED BY)
NORTH AMERICAN ROCKWELL)
CORPORATION FOR UNDERGROUND)
WATERS LOCATED IN WASHOE COUNTY,)
NEVADA)

R U L I N G

GENERAL:

Application 26587 was filed on February 28, 1972 to appropriate 5.0 c.f.s. of water from an underground source for irrigation and domestic purposes. The point of diversion is described as being in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 5, T.22 N., R.21 E. The place of use 320 acres located in the N $\frac{1}{2}$ NW $\frac{1}{4}$ Section 5, T. 22 N., R.21 E, the SW $\frac{1}{4}$, the S $\frac{1}{2}$ NW $\frac{1}{4}$, Section 32, T.23 N., R.21 E., M.D.B. &M.

Application 26588 was filed on February 28, 1972 to appropriate 5.0 c.f.s. of water from an underground source for irrigation and domestic purposes. The point of diversion is described as being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 33, T. 23 N., R.21 E. The place of use is 320 acres located within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ N $\frac{1}{2}$ Section 32, T.23 N., R.21 E., the S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 29, T.23 N., R.21 E., M.D.B.&M.

Application 26589 was filed on February 28, 1972 to appropriate 5.0 c.f.s. of water from an underground source for irrigation and domestic purposes. The point of diversion is described as being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 4, T.22 N., R.21 E. The place of use is 320 acres within the N $\frac{1}{2}$ NE $\frac{1}{4}$ Section 5, NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec.4; T.22N., R.21E., SE $\frac{1}{4}$; SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec.32, T.23N., R.21E., M.D.B.&M.

Application 26590 was filed on February 28, 1972 to appropriate 5.0 c.f.s. of water from an underground source for irrigation and domestic purposes. The point of diversion is described as being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 14, T.22 N., R.21 E. The place of use is 320 acres within the N $\frac{1}{2}$ of Section 15, T.22 N., R.21 E.

Application 26591 was filed in February 28, 1972 to appropriate 5.0 c.f.s. of water from an underground source for irrigation and domestic purposes. The point of diversion is described as being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 22, T.22 N., R.21 E. The place of use is 320 acres within the S $\frac{1}{2}$ N $\frac{1}{2}$; N $\frac{1}{2}$ S $\frac{1}{2}$ Section 22, T.22 N., R.21 E.

Application 26592 was filed on February 28, 1972 to appropriate 5.0 c.f.s. of water from an underground source for irrigation and domestic purposes. The point of diversion is described as being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 31, T.23 N., R.21 E. The place of use is 320 acres within the NW $\frac{1}{4}$ Section 31, T.23 N., R.21 E., and the NE $\frac{1}{4}$ Section 36, T.23 N., R.20 E.

Application 26593 was filed on February 28, 1972 to appropriate 5.0 c.f.s. of water from an underground source for irrigation and domestic purposes. The point of diversion is described as being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 35, T.23 N., R.20 E. The place of use is 320 acres within the NE $\frac{1}{4}$ Section 35; and the NW $\frac{1}{4}$ Section 36, T.23 N., R.20 E., M.D.B.&M.

Application 26594 was filed on February 28, 1972 to appropriate 5.0 c.f.s. of water from an underground source for irrigation and domestic purposes. The point of diversion is described as being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 36, T.22 N., R.21 E. The place of use is 320 acres within the NE $\frac{1}{4}$ Section 35, and the NW $\frac{1}{4}$ Section 36, T.22 N., R.21 E., M.D.B.&M.

Applications 26589 and 26591 were protested on June 29, 1972 by Agnes C. Lapham on the following grounds:

"To my knowledge only one impartial survey of the waters in Warm Springs Valley has been made, the U.S.G.S. report of 1967. This survey concludes that there are only 3,000 acre-feet per year of rechargeable groundwaters in all of Warm Springs Valley. Permits for wells in the Valley already exceed that amount by more than 1,000 acre-feet per year. I believe no more permits for water mining should be made in this valley."

All of the above referred to applications were protested on July 27, 1972 by the League of Women Voters of Reno-Sparks-Carson City, the Sierra Club-Toiyabe Chapter, and the Washoe County Property Owners Association. "Exhibit A" outlining the grounds of the protest is made a part of this ruling by reference. All of the above referred to applications were protested on July 28, 1972 by the Pyramid Lake Paiute Tribe. "Exhibit A" of the protest is also made a part of this ruling by reference.

At the time of this Ruling, the total approved rights to appropriate water from underground sources in Warm Springs Valley amount to approximately 4500 acre-feet per year, which constitutes the present allowable draft on the ground water basin. There are no other pending applications to appropriate ground water in the Warm Springs Valley area, other than the 8 listed in this ruling.

The U.S. Geological Survey in cooperation with the Department of Conservation and Natural Resources published Reconnaissance Series Report # 43 entitled Water-Resources Appraisal of the Warm Spring - Lemmon Valley Area, Washoe County, Nevada. This report estimates the annual recharge for the Warm Springs Valley Basin to be on the order of 3,000 to 6,000 acre-feet per year. The natural inflow is estimated to be some 6,000 acre-feet per year.

The protests of the Pyramid Lake Paiute Tribe and the League of Women Voters, et al, object to granting of the applications based upon their statement that the ground water basin is already over appropriated. The protests also contend that the requested appropriation under these applications are in excess of some 28,000 acre-feet annually.

The eight applications were filed for irrigation and domestic purposes with each application proposing to irrigate 320 acres for a total of some 2,560 acres. Based upon a duty of 4.0 acre-feet per acre, this would constitute a total appropriation of 10,240 acre-feet applied for under the applications.

OPINION

It is our opinion that based on data now available, appropriations not to exceed 6,000 acre-feet annually can be allowed in the Warm Springs Valley underground basin. Total existing groundwater rights at the present time amount to some 4,500 acre-feet per year. Therefore, additional appropriations in the amount of some 1,500 acre-feet per year can be granted. Existing appropriations and those to be allowed will be subject to rigid time requirements for placing water to beneficial use.

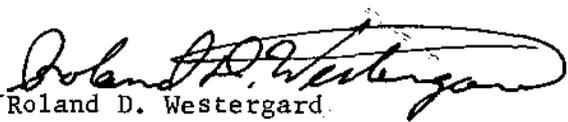
The jurisdiction of the State Engineer is set forth in Nevada Revised Statutes. The proposed appropriations, with appropriate limitations, will not adversely affect existing rights or be otherwise detrimental to the public welfare.

RULING

The protests to the granting of applications 26587 through 26594 are herewith overruled subject to the following conditions:

Permits will be granted subject to existing rights, to appropriate water for a total of 375 acres of land for irrigation and domestic purposes based upon a duty limitation of 4 acre-feet per acre. The applicant, North American Rockwell Corporation, will be given the opportunity to specify the place of use they desire, not to exceed 375 acres. The remaining applications or portions thereof are denied on the grounds that additional withdrawals of water from the Warm Springs ground water basin in excess of 6,000 acre-feet would tend to adversely effect and impair the value of existing ground water rights.

Respectfully submitted,


Roland D. Westergard
State Engineer

RDW:PGM:ga

Dated this 25th day
of September, 1972.