

IN THE MATTER OF APPLICATION )  
31176 TO APPROPRIATE WATER FROM )  
AN UNDERGROUND SOURCE IN DAYTON )  
VALLEY, LYON COUNTY, NEVADA )

R U L I N G

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INTRODUCTION

Application 31176 was filed by Bernice Wixson in the Office of the State Engineer on March 11, 1977, to appropriate underground water for irrigation and domestic purposes in Dayton Valley, Nevada.

In 1975 Water Resources Reconnaissance Series Report 59 "Water Resources Appraisal of the Carson River Basin, Western Nevada," by Patrick A. Glancy and T. L. Katzer, was prepared cooperatively by the Nevada Department of Conservation and Natural Resources, Division of Water Resources, and the United States Department of the Interior, Geological Survey. This report is available at the Office of the State Engineer.

FINDINGS OF FACT

I

Application 31176 was filed by Bernice Wixson on March 11, 1977 to appropriate 1.0 cfs of underground water for irrigation and domestic purposes. The point of diversion is within the SE $\frac{1}{4}$  SE $\frac{1}{4}$  Section 3, T.17N., R.23E., M.D.B.&M. The place of use is 60 acres within this NW $\frac{1}{4}$ , N $\frac{1}{2}$  SE $\frac{1}{4}$  SE $\frac{1}{4}$  of said Section 3. 1/

II

Application 31176 was filed to appropriate underground water from within the Dayton Valley Groundwater Basin as designated by the State Engineer on January 22, 1973. 2/

III

The land to be irrigated under Application 31176 does not have an appurtenant water right. 3/

IV

The Stagecoach Sub Area is a topographically closed part of Dayton Valley. The potential recharge from precipitation to the Stagecoach Sub Area Groundwater Reservoir is estimated to be 600 acre-feet of water per year. 4/

V

Certificates have been issued which could be exercised to divert 1200 acre-feet per year of groundwater from the Stagecoach Sub Area Groundwater Reservoir. Permits have been granted which could develop an additional 13,900 acre-feet per year of groundwater from the Stagecoach Sub Area. 5/

VI

It is estimated that groundwater pumpage for 1977 will total over 1000 acre-feet from the Stagecoach Sub Area. Pumpage will be higher if additional acreage that is now cleared is irrigated. 6/

VII

Applications to appropriate underground water for irrigation have been denied in Dayton Valley. 7/

VIII

Should application 31176 be granted and should subsequent development of groundwater under this permit detrimentally affect prior groundwater rights, the State Engineer is required by law to order withdrawals restricted to conform to priority rights. 8/

CONCLUSIONS

1. The State Engineer has jurisdiction of the parties and the subject matter of this action. 9/
2. The State Engineer is prohibited by law from granting a permit where:
  - a. There is no unappropriated water at the proposed source, or
  - b. The proposed use conflicts with existing rights, or
  - c. The proposed use threatens to prove detrimental to the public welfare. 10/
3. Existing Water rights for the Stagecoach Sub Area of the Dayton Valley Groundwater Basin exceed the estimated potential recharge from precipitation to the Stagecoach Sub Area Groundwater Reservoir.

The 1977 pumpage from the Stagecoach Sub Area Groundwater Reservoir is expected to exceed the estimated potential recharge.

The potential exists for additional pumpage under existing groundwater rights which have not yet been developed.

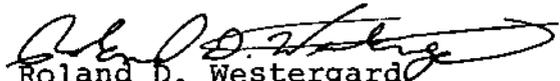
To grant an additional water right for irrigation from this limited groundwater resource would adversely affect existing rights and threaten to prove detrimental to the public welfare.

4. The State Engineer is authorized and directed to designate preferred uses of water within designated groundwater areas such as Dayton Valley. 11/ The consumptive use of additional groundwater to irrigate additional land is not considered to be a preferred use of the limited groundwater resources of the Dayton Valley Groundwater Basin.

RULING

Application 31176 is denied on the grounds that the appropriation of underground water for irrigation as applied for would tend to impair the value of existing rights, and would be detrimental to the public interest and welfare.

Respectfully submitted,

  
Roland D. Westergard  
State Engineer

RDW/JC/m

Dated this 8th day of July, 1977.

FOOTNOTES

1. Public records on file in the Office of the State Engineer.
2. Public records on file in the Office of the State Engineer.  
(See Order No. 487.)
3. Public records on file in the Office of the State Engineer.
4. Estimate made in the Office of the State Engineer using the U. S. Geological Survey general method as described in Water Resources Reconnaissance Series Report 59, p.47 and 48.
5. Public records on file in the Office of the State Engineer.
6. Estimate made by the Office of the State Engineer.
7. Public records on file in the Office of the State Engineer, see denied Applications 27387, 27404, 27420, 27443, 27546, 27702, 27804, 28200, 28431, 28941, 29965, 30328.
8. NRS 534.110, Subsections 3 and 6.
9. NRS 533.025 and 533.030, Subsection 1.
10. NRS 533.370, Subsection 4.
11. NRS 534.120, Subsection 2.