

IN THE MATTER OF APPLICATIONS 31406)
31407, 31408, 31409, 31410, 31411,)
31412, 31417, 31418, 31493, 31494,)
31495, 31496, 31606, 31607, 31608,)
31609, 31610, 31611, 31612, 31708,)
31709, 31845, 31876, 31877, 31878,)
31879, 31880, 31881, 31882, 31883,)
31884, 31918, 31919, 31920, 31941,)
31943, 31944, 31949, 31950, 31960,)
31969, 31970, 31971, 31972, 31973,)
31974, 31993, 31994, 31995, 31996,)
32010, 32011, 32012, 32016, 32017,)
32018, 32020, 32021, 32046, 32047,)
32086, 32115, 32125, 32126, 32155,)
32162, 32206, 32210, 32211, AND 32505))
FILED TO APPROPRIATE THE WATERS OF AN))
UNDERGROUND SOURCE IN FISH LAKE VAL-)
LEY, ESMERALDA COUNTY, NEVADA.)

R U L I N G

INTRODUCTION

Applications 31406, 31407, 31408, 31409, 31410, 31411, 31412, 31417, 31418, 31493, 31494, 31495, 31496, 31606, 31607, 31608, 31609, 31610, 31611, 31612, 31708, 31709, 31845, 31876, 31877, 31878, 31879, 31880, 31881, 31882, 31883, 31884, 31918, 31919, 31920, 31941, 31943, 31944, 31949, 31950, 31960, 31969, 31970, 31971, 31972, 31973, 31974, 31993, 31994, 31995, 31996, 32010, 32011, 32012, 32016, 32017, 32018, 32020, 32021, 32046, 32047, 32086, 32115, 32125, 32126, 32155, 32162, 32206, 32210, 32211 and 32505 were filed in the State Engineer's office between April 29, 1977 and June 30, 1977 to appropriate underground water for irrigation purposes in Fish Lake Valley, Nevada.

In 1973 Water Resources - Reconnaissance Series Report #58, "Water resources appraisal of Fish Lake Valley, Nevada and California," by F. Eugene Rush and T. L. Katzer, was prepared cooperatively by the Geological Survey, U. S. Department of the Interior. This report is available from the State Engineer's office.

FINDINGS OF FACT

I

Applications 31406, 31407, 31408, 31409, 31410, 31411, 31412, 31417, 31418, 31493, 31494, 31495, 31496, 31606, 31607, 31608, 31609, 31610, 31611, 31612, 31708, 31709, 31845, 31876, 31877, 31878, 31879, 31880, 31881, 31882, 31883, 31884, 31918, 31919, 31920, 31941, 31943, 31944, 31949, 31950, 31960, 31919, 31970, 31971, 31972, 31973, 31974, 31993, 31994, 31995, 31996, 32010, 32011, 32012, 32016, 32017, 32018, 32020, 32021, 32046, 32047, 32086, 32115, 32125, 32126, 32155, 32162, 32206, 32210, 32211 and 32505 were filed in the State Engineer's office between April 29, 1977 and June 30, 1977 to appropriate underground water for irrigation purposes in Fish Lake Valley, Nevada.

Application 31406 was filed on 4/29/77 by Michael E. McCormick to appropriate 2.7 c.f.s. of the waters of an underground source to be diverted within the NW1/4 SE1/4 Section 36, T.3S., R.35E., M.D.B.& M., and to be used for the irrigation of 160 acres within the SE1/4 Section 36 T.3S., R.35E., M.D.B.& M.

Application 31407 was filed on 4/29/77 by John D. McCormick to appropriate 2.7 c.f.s. of the waters of an underground source to be diverted within the SW1/4 SW1/4 Section 31, T.3S., R.36E., M.D.B.& M., and to be used for the irrigation of 160 acres within the SW1/4 Section 31, T.3S., R.36E., M.D.B.& M.

Application 31408 was filed on 4/29/77 by Marie S. Maddox to appropriate 2.7 c.f.s. of the waters of an underground source to be diverted within the SW1/4 NW1/4 Section 6, T.4S., R.36E., M.D.B.& M., and to be used for the irrigation of 155 acres within the NW1/4 Section 6, T.4S., R.36E., M.D.B.& M.

Application 31409 was filed on 4/29/77 by Audra L. Maddox to appropriate 2.7 c.f.s. of the waters of an underground source to be diverted within the SW1/4 NE1/4 Section 6, T.4S., R.36E., M.D.B.& M., and to be used for the irrigation of 160 acres within the NE1/4 Section 6, T.4S., R.36E., M.D.B.& M.

Application 31410 was filed on 4/29/77 by Margaret A. McCormick to appropriate 2.7 c.f.s. of the waters of an underground source to be diverted within the SW1/4 NW1/4 Section 31, T.3S., R.36E., M.D.B.& M., and to be used for the irrigation of 160 acres within the NW1/4 Section 31, T.3S., R.36E., M.D.B.& M.

Application 31411 was filed on 4/29/77 by Charles R. Maddox to appropriate 2.7 c.f.s. of the waters of an underground source to be diverted within the SW1/4 NE1/4 Section 1, T.4S., R.35E., M.D.B.& M., and to be used for the irrigation of 160 acres within the NE1/4 Section 1, T.4S., R.35E., M.D.B.& M.

Application 31412 was filed on 4/29/77 by Kathleen M. Shuey to appropriate 2.7 c.f.s. of the waters of an underground source to be diverted within the SE1/4 SE1/4 Section 31 T.3S., R.36E., M.D.B.& M., and to be used for the irrigation of 160 acres within the SE1/4 Section 31, T.3S., R.36E., M.D.B.& M.

Application 31417 was filed on 5/2/77 by Martha Steenburgen to appropriate 2.7 c.f.s. of the waters of an underground source to be diverted within the SW1/4 NW1/4 Section 30, T.3S., R.36E., M.D.B.& M., and to be used for the irrigation of 160 acres within the NW1/4 Section 30, T.3S., R.36E., M.D.B.& M.

Application 31418 was filed on 5/2/77 by Ronald L. Steenburgen to appropriate 2.7 c.f.s. of the waters of an underground source to be diverted within the SW1/4 SW1/4 Section 30 T.3S., R.36E., M.D.B.& M., and to be used for the irrigation of 160 acres within the SW1/4 Section 30, T.3S., R.36E., M.D.B.& M.

Application 31493 was filed on 5/5/77 by William D. Gaw to appropriate 2.7 c.f.s. of the waters of an underground source to be diverted within the NW1/4 NE1/4 Section 36, T.3S., R.35E., M.D.B.& M., and to be used for the irrigation of 160 acres within the NE1/4 Section 36, T.3S., R.35E., M.D.B.& M.

Application 31494 was filed on 5/5/77 by Carolyn A. Gaw to appropriate 2.7 c.f.s. of the waters of an underground source to be diverted within the SW1/4 SW1/4 Section 19, T.3S., R.36E., M.D.B.& M., and to be used for the irrigation of 160 acres within the SW1/4 Section 19 T.3S., R.36E., M.D.B.& M.

Application 31495 was filed on 5/5/77 by Wanda S. Maddox to appropriate 2.7 c.f.s. of the waters of an underground source to be diverted within the NW1/4 NE1/4 Section 24 T.3S., R.35E., M.D.B.& M., and to be used for the irrigation of 160 acres within the NE1/4 Section 24 T.3S., R.35E., M.D.B.& M.

Application 31496 was filed on 5/5/77 by Daniel A. Meeuf to appropriate 2.7 c.f.s. of the waters of an underground source to be diverted within the SW1/4 SE1/4 Section 24, T.3S., R.35E., M.D.B.& M., and to be used for the irrigation of 160 acres within the SE1/4 Section 24, T.3S., R.35E., M.D.B.& M.

Application 31606 was filed on 5/10/77 by Deanna M. Maddox to appropriate 4.0 c.f.s. of the waters of an underground source to be diverted within the SW1/4 NE1/4 Section 25, T.3S., R.35E., and to be used for the irrigation of 160 acres within the NE1/4 Section 25, T.3S., R.35E., M.D.B.& M.

Application 31607 was filed on 5/10/77 by Willard C. Salberg to appropriate 2.7 c.f.s. of the waters of an underground source to be diverted within the SE1/4 NE1/4 Section 30, T.3S., R.36E., M.D.B.& M., and to be used for the irrigation of 160 acres within the NE1/4 Section 30, T.3S., R.36E., M.D.B.& M.

Application 31608 was filed on 5/10/77 by Robert W. Kirn to appropriate 2.7 c.f.s. of the waters of an underground source to be diverted within the SE1/4 SE1/4 Section 30, T.3S., R.36E., M.D.B.& M., and to be used for the irrigation of 160 acres within the SE1/4 Section 30, T.3S., R.36E., M.D.B.& M.

Application 31609 was filed on 5/10/77 by Dennis Eugene Belfils to appropriate 2.7 c.f.s. of the waters of an underground source to be diverted within the SE1/4 NE1/4 Section 31, T.3S., R.36E., M.D.B.& M. and to be used for the irrigation of 160 acres within the NE1/4 Section 31, T.3S., R.36E., M.D.B.& M.

Application 31610 was filed on 5/10/77 by Henry W. Schram to appropriate 2.7 c.f.s. of the waters of an underground source to be diverted within the SE1/4 SE1/4 Section 19, T.3S., R.36E., M.D.B.& M., and to be used for the irrigation of 160 acres within the SE1/4 Section 19, T.3S., R.36E., M.D.B.& M.

Application 31611 was filed on 5/10/77 by Wayne Paul Denney to appropriate 2.7 c.f.s. of the waters of an underground source to be diverted within the SE1/4 NE1/4 Section 19, T.3S., R.36E., M.D.B.& M., and to be used for the irrigation of 160 acres within the NE1/4 Section 19, T.3S., R.36E., M.D.B.& M.

Application 31612 was filed on 5/10/77 by Sharon Russell Sawyer to appropriate 2.7 c.f.s. of the waters of an underground source to be diverted within the SW1/4 NW1/4 Section 19, T.3S., R.36E., M.D.B.& M., and to be used for the irrigation of 160 acres within the NW1/4 Section 19, T.3S., R.36E., M.D.B.& M.

Application 31708 was filed on 5/13/77 by Virginia King to appropriate 2.7 c.f.s. of the waters of an underground source to be diverted within the SE1/4 SE1/4 Section 13, T.3S., R.35E., M.D.B.& M., and to be used for the irrigation of 160 acres within the SE1/4 Section 13, T.3S., R.36E., M.D.B.& M.

Application 31709 was filed on 5/13/77 by William E. Niles to appropriate 2.7 c.f.s. of the waters of an underground source to be diverted within the NW1/4 SW1/4 Section 18, T.3S., R.36E., M.D.B.& M., and to be used for the irrigation of 160 acres within the SW1/4 Section 18, T.3S., R.36E., M.D.B.& M.

Application 31845 was filed on 5/27/77 by Amel R. Baldwin to appropriate 5.0 c.f.s. of the waters of an underground source to be diverted within the SW1/4 SE1/4 Section 32, T.3S., R.36E., M.D.B.& M., and to be used for the irrigation of 280 acres within the E1/2 W1/2, W1/2 SE1/4, SW1/4 NE1/4, Section 32, T.3S., R.36E., M.D.B.& M.

Application 31876 was filed on 6/1/77 by Robert E. Duval to appropriate 2.7 c.f.s. of the waters of an underground source to be diverted within the SW1/4 SE1/4 Section 21, T.1S., R.35E., M.D.B.& M., and to be used for the irrigation of 160 acres within the W1/2 E1/2 Section 21, T.1S., R.35E., M.D.B.& M.

Application 31877 was filed on 6/1/77 by Shirley S. Duval to appropriate 2.7 c.f.s. of the waters of an underground source to be diverted within the SW1/4 SE1/4 Section 21, T.1S., R.35E., M.D.B.& M., and to be used for the irrigation of 160 acres within the E1/2 W1/2 Section 21, T.1S., R.35E., M.D.B.& M.

Application 31878 was filed on 6/1/77 by Robert E. and Caroline A. Hartman to appropriate 1.4 c.f.s. of the waters of an underground source to be diverted within the SW1/4 SW1/4 Section 3, T.2S., R.35E., M.D.B.&M., and to be used for the irrigation of 80 acres within the N1/2 SW1/4 Section 3, T.2S., R.35E., M.D.B.&M.

Application 31879 was filed on 6/1/77 by Robert E. and Caroline A. Hartman to appropriate 4.1 c.f.s. of the waters of an underground source to be diverted within the NW1/4 SW1/4 Section 34, T.1S., R.35E., M.D.B.&M., and to be used for the irrigation of 240 acres within the S1/2 SW1/4, W1/4 SE1/4, NE1/4 SE1/4, SE1/4 NE1/4 Section 34, T.1S., R.35E., M.D.B.&M.

Application 31880 was filed on 6/1/77 by William L. Hartman to appropriate 2.7 c.f.s. of the waters of an underground source to be diverted within the SW1/4 SE1/4 Section 3, T.2S., R.35E., M.D.B. & M., and to be used for the irrigation of 160 acres within the SE1/4 Section 3, T.2S., R.35E., M.D.B. & M.

Application 31881 was filed on 6/1/77 by Francis J. Hartman to appropriate 2.7 c.f.s. of the waters of an underground source to be diverted within the SW1/4 NE1/4 Section 3, T.2S., R.35E., M.D.B. & M., and to be used for the irrigation of 160 acres within the NE1/4 Section 3, T.2S., R.35E., M.D.B. & M.

Application 31882 was filed on 6/1/77 by Kenneth E. and Ruth A. Donaldson to appropriate 2.7 c.f.s. of the waters of an underground source to be diverted within the NW1/4 NW1/4 Section 3, T.2S., R.35E., M.D.B. & M., and to be used for the irrigation of 160 acres within the NW1/4 Section 3, T.2S., R.35E., M.D.B. & M.

Application 31883 was filed on 6/1/77 by Clair F. Dexter to appropriate 4.1 c.f.s. of the waters of an underground source to be diverted within the SW1/4 SE1/4 Section 4, T.2S., R.35E., M.D.B. & M., and to be used for the irrigation of 160 acres within the SE1/4 Section 4, T.2S., R.35E., M.D.B. & M.

Application 31884 was filed on 6/1/77 by Evelyn F. Dexter to appropriate 4.1 c.f.s. of the waters of an underground source to be diverted within the SE1/4 SW1/4 Section 4, T.2S., R.35E., M.D.B. & M., and to be used for the irrigation of 80 acres within the EL/2 SW1/4, Section 4, T.2S., R.35E., M.D.B. & M.

Application 31918 was filed on 6/2/77 by Ralph W. Smith to appropriate 2.7 c.f.s. of the waters of an underground source to be diverted within the NW1/4 NE1/4 Section 33, T.1S., R.35E., M.D.B. & M., and to be used for the irrigation of 120 acres within the NE1/4 NW1/4, N1/2 NE1/4 Section 33, T.1S., R.35E., M.D.B. & M.

Application 31919 was filed on 6/2/77 by Gladys V. Smith to appropriate 2.7 c.f.s. of the waters of an underground source to be diverted within the NW1/4 NE1/4 Section 33, T.1S., R.35E., M.D.B. & M., and to be used for the irrigation of 120 acres within the SE1/4 NW1/4, S1/2 NE1/4 Section 33, T.1S., R.35E., M.D.B. & M.

Application 31920 was filed on 6/2/77 by Harry W. Smith to appropriate 2.7 c.f.s. of the waters of an underground source to be diverted within the SW1/4 SE1/4 Section 33, T.1S., R.35E., M.D.B. & M., and to be used for the irrigation of 120 acres within the NW1/4 SE1/4, E1/2 SW1/4 Section 33, T.1S., R.35E., M.D.B. & M.

Application 31941 was filed on 6/6/77 by Ruth M. Johnson to appropriate 2.7 c.f.s. of the waters of an underground source to be diverted within the SW1/4 SE1/4 Section 9, T.2S., R.35E., M.D.B. & M., and to be used for the irrigation of 160 acres within the N1/2 NE1/4 Section 16 and S1/2 SE1/4 Section 9, T.2S., R.35E., M.D.B. & M.

Application 31943 was filed on 6/6/77 by Herchel Hanson to appropriate 1.0 c.f.s. of the waters of an underground source to be diverted within the SE1/4 NE1/4 Section 21, T.2S., R.35E., M.D.B.& M., and to be used for the irrigation of 6 acres within the SE1/4 NW1/4 Section 22, T.2S., R.35E., M.D.B.& M.

Application 31944 was filed on 6/6/77 by Herschelle E. and Genevieve I. Hanson to appropriate 5.4 c.f.s. of the waters of an underground source to be diverted within the SE1/4 NE1/4 Section 21, T.2S., R.35E., M.D.B.&M., and to be used for the irrigation of 317.5 acres within the N1/2 NE1/4 Section 21 and SE1/4, S1/2 NE1/4 Section 16, T.2S., R.35E., M.D.B.& M.

P Application 31949 was filed on 6/6/77 by Norman R. Williams to appropriate 3.0 c.f.s. of the waters of an underground source to be diverted within the NW1/4 SE1/4 Section 16, T.2S., R.35E., M.D.M.& M., and to be used for the irrigation of 160 acres within the N1/2 SE1/4 and S1/2 NE1/4 Section 16, T.2S., R.35E., M.D.B.& M.

Application 31950 was filed on 6/6/77 by Randall G. Williams to appropriate 3.0 c.f.s. of the waters of an underground source to be diverted within the SW1/4 SE1/4 Section 9, T.2S., R.35E., M.D.B.& M., and to be used for the irrigation of 160 acres within the NE1/2 NE1/4 Section 16 and S1/2 SE1/4 Section 9, T.2S., R.35E., M.D.B.& M.

Application 31960 was filed on 6/7/77 by Richard Bruinsma to appropriate 2.7 c.f.s. of the waters of an underground source to be diverted within the SE1/4 NE1/4 Section 27, T.3S., R.35E., M.D.B.& M., and to be used for the irrigation of 160 acres within the E1/2 SE1/4 Section 22 and E1/2 NE1/4 Section 27, T.3S., R.35E., M.D.B.& M.

Application 31969 was filed on 6/8/77 by Angela M. Williams to appropriate 3.0 c.f.s. of the waters of an underground source to be diverted within the NE1/4 NE1/4 Section 9, T.2S., R.35E., M.D.B.& M., and to be used for the irrigation of 160 acres within the NE1/4 Section 9, T.2S., R.35E., M.D.B.& M.

Application 31970 was filed on 6/8/77 by Mary E. Williams to appropriate 3.0 c.f.s. of the waters of an underground source to be diverted within the NE1/4 SE1/4 Section 9 T.2S., R.35E., M.D.B.& M., and to be used for the irrigation of 160 acres within the N1/2 SE1/4 Section 9, SW1/4 SW1/4 Section 10, NW1/4 NW1/4 Section 15, T.2S., R.35E., M.D.B.& M.

Application 31971 was filed on 6/8/77 by Robert E. and Caroline A. Hartman to appropriate 4.7 c.f.s. of the waters of an underground source to be diverted within the NW1/4 NW1/4 Section 34, T.1S., R.35E., M.D.B.&M., and to be used for the irrigation of 280 acres within the NW1/4, SW1/4 NE1/4, N1/2 SW1/4, Section 34 T.1S., R.35E., M.D.B.& M.

Application 31972 was filed on 6/8/77 by Henry Sanford Osborne to appropriate 2.7 c.f.s. of the waters of an underground source to be diverted within the NW1/4 NE1/4 Section 10, T.2S., R.35E., M.D.B.& M., and to be used for the irrigation of 160 acres within the NE1/4 Section 10, T.2S., R.35E., M.D.B.& M.

Application 31973 was filed on 6/8/77 by Cebelas Osborne to appropriate 2.7 c.f.s. of the waters of an underground source to be diverted within the NW1/4 NW1/4 Section 10, T.2S., R.35E., M.D.B.& M., and to be used for the irrigation of 160 acres within the NW1/4 Section 10 T.2S., R.35E., M.D.B.& M.

Application 31974 was filed on 6/8/77 by Robert E. and Caroline A. Hartman to appropriate 4.1 c.f.s. of the waters of an underground source to be diverted within the NW1/4 NW1/4 Section 34, T.1S., R.35E., M.D.B.&M., and to be used for the irrigation of 240 acres within the S1/2 SW1/4, N1/2 SE1/4, SW1/4 SE1/4 and SE1/4 NE1/4 Section 34, T.1S., R.35E., M.D.B.& M.

Application 31993 was filed on 6/9/77 by James P. Wallace to appropriate 2.7 c.f.s. of the waters of an underground source to be diverted within the NE1/4 NW1/4 Section 16 T.4S.; R.36E., M.D.B.& M., and to be used for the irrigation of 160 acres within the NW1/4 Section 16, T.4S., R.36E., M.D.B.& M.

Application 31994 was filed on 6/9/77 by Marlene Sue and James Leland Wallace to appropriate 4.1 c.f.s. of the waters of an underground source to be diverted within the NW1/4 SW1/4 Section 9, T.4S., R.36E., M.D.B.& M., and to be used for the irrigation of 240 acres within the E1/2 SE1/4 Section 8 and SW1/4 Section 9, T.4S., R.36E., M.D.B.& M.

Application 31995 was filed on 6/10/77 by James Leland and Marlene Sue Wallace to appropriate 1.4 c.f.s. of the waters of an underground source to be diverted within the SW1/4 NW1/4 Section 9, T.4S., R.36E., M.D.B.& M., and to be used for the irrigation of 80 acres within the E1/2 NE1/4 Section 8, T.4S., R.36E., M.D.B.& M.

Application 31996 was filed on 6/10/77 by Harry Livermore to appropriate 2.7 c.f.s. of the waters of an underground source to be diverted within the NW1/4 NE1/4 Section 21 T.4S.; R.36E., M.D.B.& M., and to be used for the irrigation of 80 acres within the N1/2 NE1/4 Section 21, T.4S., R.36E., M.D.B.& M.

Application 32010 was filed on 6/10/77 by Verna Irene Wallace to appropriate 2.7 c.f.s. of the waters of an underground source to be diverted within the NE1/4 SW1/4 Section 16, T.4S., R.36E., M.D.B.& M., and to be used for the irrigation of 160 acres within the N1/2 SW1/4, SE1/4 SW1/4, SW1/4 NE1/4 Section 16, T.4S., R.36E., M.D.B.& M.

Application 32011 was filed on 6/10/77 by Raymond B. Caldwell to appropriate 6.0 c.f.s. of the waters of an underground source to be diverted within the SW1/4 NE1/4 Section 15, T.4S., R.36E., M.D.B.& M., and to be used for the irrigation of 160 acres within the NE1/4 Section 15, T.4S., R.36E., M.D.B.& M.

Application 32012 was filed on 6/10/77 by Raymond B. Caldwell to appropriate 6.0 c.f.s. of the waters of an underground source to be diverted within the NW1/4 NW1/4 Section 15, T.4S., R.36E., M.D.B.& M., and to be used for the irrigation of 200 acres within the N1/2 NW1/4 Section 15 and SE1/4 NE1/4, N1/2 NE1/4 Section 16, T.4S., R.36E., M.D.B.&M.

P Application 32016 was filed on 6/10/77 by Edwin O. Johnson to appropriate 2.7 c.f.s. of the waters of an underground source to be diverted within the NW1/4 NE1/4 Section 9, T.2S., R.35E., M.D.B. & M., and to be used for the irrigation of 160 acres within the N1/2 NE1/4 Section 9 and N1/2 NW1/4 Section 10, T.2S., R.35E., M.D.B. & M.

Application 32017 was filed on 6/13/77 by Jessie James Lemon to appropriate 2.7 c.f.s. of the waters of an underground source to be diverted within the NW1/4 NE1/4 Section 22, T.2S., R.35E., M.D.B. & M., and to be used for the irrigation of 160 acres within the N1/2 N1/2 Section 22, T.2S., R.35E., M.D.B. & M.

Application 32018 was filed on 6/13/77 by Terry Lemon to appropriate 2.7 c.f.s. of the waters of an underground source to be diverted within the SW1/4 SE1/4 Section 15, T.2S., R.35E., M.D.B. & M., and to be used for the irrigation of 160 acres within the S1/2 S1/2 Section 15, T.2S., R.35E., M.D.B. & M.

Application 32020 was filed on 6/13/77 by Ernest Lee Sisk to appropriate 2.7 c.f.s. of the waters of an underground source to be diverted within the SE1/4 SW1/4 Section 22, T.4S., R.36E., M.D.B. & M., and to be used for the irrigation of 160 acres within the SW1/4 Section 22, T.4S., R.36E., M.D.B. & M.

Application 32021 was filed on 6/13/77 by Barbara Lee Campbell to appropriate 2.7 c.f.s. of the waters of an underground source to be diverted within the NE1/4 NE1/4 Section 17, T.4S., R.36E., M.D.B. & M., and to be used for the irrigation of 80 acres within the E1/2 NE1/4 Section 17, T.4S., R.36E., M.D.B. & M.

Application 32046 was filed on 6/13/77 by Russell J. Harrison to appropriate 2.7 c.f.s. of the waters of an underground source to be diverted within the SE1/4 NE1/4 Section 5, T.4S., R.36E., M.D.B. & M., and to be used for the irrigation of 160 acres within the NE1/4 Section 5, T.4S., R.36E., M.D.B. & M.

Application 32047 was filed on 6/13/77 by Julian W. Henry to appropriate 2.7 c.f.s. of the waters of an underground source to be diverted within the SW1/4 NW1/4 Section 5, T.4S., R.36E., M.D.B. & M., and to be used for the irrigation of 120 acres within the NW1/4 NW1/4, E1/2 NW1/4 Section 5, T.4S., R.36E., M.D.B. & M.

Application 32086 was filed on 6/15/77 by Josephine Dixie O'Neal to appropriate 7.2 c.f.s. of the waters of an underground source to be diverted within the SE1/4 SE1/4 Section 24, T.4S., R.36E., M.D.B. & M., and to be used for the irrigation of 160 acres within the SE1/4 Section 24, T.4S., R.36E., M.D.B. & M.

Application 32115 was filed on 6/20/77 by Stephanie Lynnette Lawton to appropriate 2.7 c.f.s. of the waters of an underground source to be diverted within the NW1/4 NW1/4 Section 24, T.4S., R.36E., M.D.B. & M., and to be used for the irrigation of 160 acres within the NW1/4 Section 24, T.4S., R.36E., M.D.B. & M.

Application 32125 was filed on 6/20/77 by Elizabeth H. Reed to appropriate 2.7 c.f.s. of the waters of an underground source to be diverted within the NE1/4 SE1/4 Section 21, T.4S., R.36E., M.D.B.& M., and to be used for the irrigation of 146.92 acres within the Lot 3, Lot 4, NE1/4 SE1/4 Section 21 and Lot 2 Section 27, T.4S., R.36E., M.D.B.& M.

Application 32126 was filed on 6/20/77 by Philip J. Reed, Sr. to appropriate 2.7 c.f.s. of the waters of an underground source to be diverted within the NE1/4 NW1/4 Section 27, T.4S., R.36E., M.D.B.& M., and to be used for the irrigation of 146.64 acres within the NE1/4 NW1/4, NW1/4 NE1/4, Lot 3, Lot 4, Section 27, T.4S., R.36E., M.D.B.& M.

Application 32155 was filed on 6/21/77 by Joe Hart to appropriate 2.0 c.f.s. of the waters of an underground source to be diverted within the SE1/4 SW1/4 Section 6, T.4S., R.36E., M.D.B.& M., and to be used for the irrigation of 80 acres within the E1/2 SW1/4 Section 6, T.4S., R.36E., M.D.B.& M.

Application 32162 was filed on 6/21/77 by Alcuin D. Fifield to appropriate 2.0 c.f.s. of the waters of an underground source to be diverted within the Tract #38, T.4S., R.36E., M.D.B.& M., and to be used for the irrigation of 65.08 acres within the Lot 5 Section 27, T.4S., R.36E., M.D.B.& M., and Lot 2 Section 35, T.4S., R.36E., M.D.B.& M.

Application 32206 was filed on 6/22/77 by Robert L. Hilburn to appropriate 4.5 c.f.s. of the waters of an underground source to be diverted within the SE1/4 SE1/4 Section 22, T.2S., R.35E., M.D.B.& M., and to be used for the irrigation of 280 acres within portions of the E1/2 of Section 22 and the N1/2 NE1/4 of Section 27, T.2S., R.35E., M.D.B.& M.

Application 32210 was filed on 6/22/77 by William S. or Patricia M. Wright to appropriate 2.7 c.f.s. of the waters of an underground source to be diverted within the SW1/4 SW1/4 Section 3 T.4S., R.36E., M.D.B.& M., and to be used for the irrigation of 160 acres within the SW1/4 SW1/4 Section 3, W1/2 NW1/4, NW1/4 SW1/4, Section 10, T.4S., R.36E., M.D.B.& M.

Application 32211 was filed on 6/22/77 by Eugene B. and Cleo S. Hill to appropriate 2.7 c.f.s. of the waters of an underground source to be diverted within the SW1/4 SE1/4 Section 4, T.4S., R.36E., M.D.B.& M., and to be used for the irrigation of 160 acres within SW1/4 NE1/4, W1/2 SE1/4, SE1/4 SE1/4, Section 3, T.4S., R.36E., M.D.B.& M.

Application 32505 was filed on 6/30/77 by Stephen S. Rullman to appropriate 4.05 c.f.s. of the waters of an underground source to be diverted within the NW1/4 NW1/4 Section 26, T.2S., R.35E., M.D.B.& M., and to be used for the irrigation of 240 acres within S1/2 SW1/4, SW1/4 SE1/4, Section 23 and N1/2 NW1/4, NW1/4 NE1/4 Section 26, T.2S., R.35E., M.D.B.& M. 1/

II

Application 31949 was protested on January 27, 1978 by Genevieve I. Hanson who prayed the application be denied on the following grounds:

"(1). Proposed land to be irrigated is covered by prior application 31944 advertised in newspaper Tonopah Times 10/28/77 through 11/25/77.

(2). Land application Carey Land number 0272.

Application 32016 was protested on September 12, 1977 by Cebelas Osborne who prayed the application be denied on the following grounds:

"That by granting of application 32016 would adversely affect my prior existing application 31973 which covers portions of the same land." 2/

III

Applications 31406, 31407, 31408, 31409, 31410, 31411, 31412, 31417, 31418, 31493, 31494, 31495, 31496, 31606, 31607, 31608, 31609, 31610, 31611, 31612, 31708, 31709, 31845, 31876, 31877, 31878, 31879, 31880, 31881, 31882, 31883, 31884, 31918, 31919, 31920, 31941, 31943, 31944, 31949, 31950, 31960, 31969, 31970, 31971, 31972, 31973, 31974, 31993, 31994, 31995, 31996, 32010, 32011, 32012, 32016, 32017, 32018, 32020, 32021, 32046, 32047, 32086, 32115, 32125, 32126, 32155, 32162, 32206, 32210, 32211 and 32505 were filed to appropriate water from an underground source within the Fish Lake Valley Ground Water Basin, Esmeralda County, Nevada as designated and described by Order of the State Engineer issued February 10, 1978. 3/

IV

Ground water recharge in the Fish Lake Valley area is derived primarily from precipitation on and runoff from the mountains. 4/ The perennial yield (the maximum amount of natural discharge that can be salvaged each year over the long term by pumping without bringing about some undesired result) is estimated to be 30,000 acre-feet. 5/

V

The estimated consumption of ground water in Fish Lake Valley for 1970 was 14,000 acre-feet. Of this, around 2,400 acre-feet was consumed in California. 6/ Since 1970, the Nevada State Engineer has issued permits to appropriate an additional 20,000 acre-feet per year. Total existing rights to appropriate underground water in the Nevada portion of Fish Lake Valley amount to 45,742 acre-feet per year. 7/

VI

There is potential for additional ground water development in the California portion of Fish Lake Valley.

VII

Should additional water be allowed for appropriation under the Applications listed under Item 1 and subsequent development of ground water pursuant thereto detrimentally affect prior ground water rights, the State Engineer is required by law to order withdrawals be restricted to conform to priority rights. 8/

CONCLUSIONS

- 1. The State Engineer has jurisdiction under NRS 533.025 and 533.030, subsection 1. 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. If subject applications were approved, additional lands would be irrigated. This would result in additional consumptive use by farm-land irrigation. The additional withdrawals and consumption would remove water from the ground water reservoir which would not be replaced resulting in depletion of the ground water reservoir. The additional withdrawals and consumption of underground water for irrigation would, therefore, conflict with existing rights and threaten to prove detrimental to the public welfare.

RULING

Applications 31406, 31407, 31408, 31409, 31410, 31411, 31412, 31417, 31418, 31493, 31494, 31495, 31496, 31606, 31607, 31608, 31609, 31610, 31611, 31612, 31708, 31709, 31845, 31876, 31877, 31878, 31879, 31880, 31881, 31882, 31883, 31884, 31918, 31919, 31920, 31941, 31943, 31944, 31949, 31950, 31960, 31969, 31970, 31971, 31972, 31973, 31974, 31993, 31994, 31995, 31996, 32010, 32011, 32012, 32016, 32017, 32018, 32020, 32021, 32046, 32047, 32086, 32115, 32125, 32126, 32155, 32162, 32206, 32210, 32211 and 32505 are herewith denied on the grounds that the appropriation of additional ground water for irrigation and use of the water applied for and requested from the area described in the applications would tend to impair the value of existing rights and be otherwise detrimental to the public interest and welfare.

Respectfully submitted


 Roland D. Westergard
 State Engineer

RDW/JPH/bl

Dated this 31st day
 of MARCH, 1978.

FOOTNOTES

1. Public Records in the Office of the State Engineer.
2. Public Records in the Office of the State Engineer.
3. NRS 534
4. Water Resources - Reconnaissance Series Report #58, pp. 10
5. Water Resources - Reconnaissance Series Report #58, pp. 45
6. Water Resources - Reconnaissance Series Report #58, Table 12
7. Public Records in the Office of the State Engineer.
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