

IN THE MATTER OF APPLICATIONS 35410,)
35411, AND 35412 TO APPROPRIATE WATER)
FROM AN UNDERGROUND SOURCE IN WARM)
SPRINGS VALLEY, WASHOE COUNTY, NEVADA)

R U L I N G

INTRODUCTION

Applications 35410, 35411, and 35412 were filed in the State Engineer's office to appropriate underground water for irrigation purposes in Warm Springs Valley, Nevada.

In 1967, Water Resources Reconnaissance Series Report No. 43, Water Resources Appraisal of the Warm Springs, Lemmon Valley Area, Washoe County, Nevada, by F. Eugene Rush and Patrick A. Glancy was prepared cooperatively by the Nevada Department of Conservation and Natural Resources, Division of Water Resources, and the U.S. Department of the Interior, Geological Survey. This report is available from the State Engineer's office.

FINDINGS OF FACT

I

Application 35410 was filed by Ray F. and Gerda T. Hemenway on May 10, 1978, to appropriate 1.0 c.f.s. of underground water for irrigation purposes. The point of diversion is within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 14, T.22N., R.21E., M.D.B. & M., and the place of use is 20 acres within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ and N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 14, T.22N., R.21E., M.D.B. & M.

Application 35411 was filed by Ray F. and Gerda T. Hemenway on May 10, 1978, to appropriate 1.0 c.f.s. of underground water for irrigation purposes. The point of diversion is within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 14, T.22N., R.21E., M.D.B. & M., and the place of use is 20 acres within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ and N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 14, T.22N., R.21E., M.D.B. & M.

Application 35412 was filed by Ray F. and Gerda T. Hemenway on May 10, 1978, to appropriate 1.0 c.f.s. of underground water for irrigation purposes. The point of diversion within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 14, T.22N., R.21E., M.D.B. & M., and the place of use is 20 acres within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ and N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 14, T.22N., R.21E., M.D.B. & M.

II

By an order dated January 18, 1977, the State Engineer designated and described the Warm Springs Valley Ground Water Basin under the provisions of NRS 534. 2/

III

The perennial yield is the maximum amount of natural discharge that economically can be salvaged over the long term by pumping. 3/

IV

The estimated perennial yield of the Warm Springs Valley Ground Water Basin is 3,000 acre-feet, which assumes salvage of all discharge. 4/

V

Certificated ground water appropriations have been issued which could be exercised to divert 4,208 acre-feet of water per year from the Warm Springs Valley Ground Water Basin. Permits have been granted which could be used to develop an additional 3,096 acre-feet per year of ground water from the Basin. Therefore, the total underground water rights in the Warm Springs Valley exceed 7,300 acre-feet annually. 5/

VI

Applications to appropriate underground water to irrigate additional land have been denied in Warm Springs Valley. 6/

CONCLUSIONS

I

The State Engineer has jurisdiction of the parties and the subject matter of this action. 7/

II

The State Engineer is prohibited by law from granting a permit where:

- A. there is no unappropriated water in 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. 8/

III

If Applications 35410, 35411, and 35412 are granted, additional land would be irrigated or land that is irrigated only part time would be irrigated more intensively and frequently. 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:

- A. would not be replaced resulting in depletion of the ground water reservoir, or
- B. would be replaced by infiltrating surface water that would otherwise remain in or return to the stream system.

The additional withdrawal and consumption of underground water for irrigation would, therefore, conflict with prior existing rights and threaten to prove detrimental to the public welfare.

IV

Existing water rights exceed the estimated average annual recharge to the Warm Springs Valley Ground Water Basin. The potential exists for additional pumpage under existing ground water permits which have not yet been fully developed.

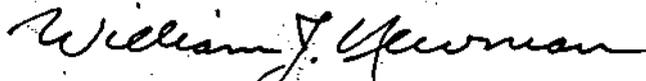
V

The State Engineer is authorized and directed to designate preferred uses of water within the respective area so designated by him such as the Warm Springs Valley Ground Water Basin. 9/ The consumptive use of ground water to irrigate additional land is not considered to be a preferred use of the limited ground water resources of the Warm Springs Valley Ground Water Basin.

RULING

Applications 35410, 35411, and 35412 are denied on the grounds that the appropriation of underground water for irrigation purposes, as applied for, would conflict with and tend to impair the value of existing rights and be detrimental to the public interest and welfare.

Respectfully submitted,



William J. Newman
State Engineer

WJN/RWP/jm

Dated this 20th day

of JUNE, 1979.

FOOTNOTES

1. Public records in the office of the State Engineer.
2. Public records in the office of the State Engineer.
3. Water Resources Reconnaissance Series Report No. 43, pp 48.
4. Water Resources Reconnaissance Series Report No. 43, pp 49.
5. Public records in the office of the State Engineer.
6. Public records in the office of the State Engineer. See denied Applications 26587, 26588, 26589, 26590, 26591, 26592, 26593, 26594, and 32629.
7. NRS 533.025 and NRS 533.030, subsection 1.
8. NRS 533.370, subsection 4.
9. NRS 534.120, subsection 2.