

IN THE MATTER OF APPLICATIONS 35058)
35059, 35060, AND 36050 TO APPROPRIATE)
WATER FROM AN UNDERGROUND SOURCE IN)
THE IMLAY AREA, HUMBOLDT RIVER BASIN,)
PERSHING COUNTY, NEVADA.)

RULING

INTRODUCTION

Applications 35058, 35059, 35060, and 36050 were filed to appropriate underground water for irrigation purposes in the Imlay area of the Humboldt River Basin.

Ground Water Resources Reconnaissance Series Report No. 5, Ground Water Appraisal of the Imlay Area, Humboldt River Basin, Pershing County, Nevada, by Thomas E. Eakin was prepared cooperatively by the Nevada Department of Conservation and Natural Resources and the U.S. Department of the Interior, Geological Survey in 1962.

Water Resources Bulletin No. 32, Hydrologic Reconnaissance of the Humboldt River Basin, Nevada, by Thomas E. Eakin and Robert D. Lamke was prepared cooperatively by the Nevada Department of Conservation and Natural Resources and the U.S. Department of the Interior Geological Survey in 1966.

Copies of these reports may be viewed in the Office of the State Engineer.

FINDINGS OF FACT

I

Applications 35058 was filed by Lane Duncan and Robert Michaels on March 3, 1978, to appropriate 10.8 c.f.s. of underground water for irrigation purposes. The point of diversion is within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 23, T.33N., R.34E., M.D.B. & M., and the place of use is 640 acres within Section 23, T.33N., R.36E., M.D.B. & M.

Application 35059 was filed by Lane Duncan and Robert Michaels on March 3, 1978, to appropriate 10.8 c.f.s. of underground water for irrigation purposes. The point of diversion is within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 21, T.33N., R.34E., M.D.B. & M., and the place of use is 640 acres within Section 21, T.33N., R.34E., M.D.B. & M.

Application 35060 was filed by Lane Duncan and Robert Michaels on March 3, 1978, to appropriate 10.8 c.f.s. of underground water for irrigation purposes. The point of diversion is within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 19, T.33N., R.34E., M.D.B. & M., and the place of use is 640 acres within Section 19, T.33N., R.34E., M.D.B. & M.

Application 36050 was filed by Nancy E. Cronan on October 18, 1978, to appropriate 0.50 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 23, T.32N., R.35E., M.D.B. & M., and the place of use is 20 acres within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 23, T.32N., R.35E., M.D.B. & M. 1/

II

It is estimated that the perennial yield of the Imlay Area Ground Water Reservoir is 3,000 acre-feet of ground water per year. 2/

III

Existing water rights could be exercised and developed to divert a total of 23,000 acre-feet per year of ground water from the Imlay Area Ground Water Reservoir. 3/

IV

The ground water table in the Imlay Area slopes toward the Humboldt River from the mountains along the margin of the area. Ground water is naturally discharged by evapotranspiration on the Humboldt River flood plain and adjoining benchlands, by springs and seeps flowing to the Humboldt River and by underflow from the south end of the Imlay Area. 4/

Humboldt River water rights in the Imlay Area and downstream far exceed the mean annual flow of the Humboldt River at Imlay which is 149,000 acre-feet for the 1912-1963 period. 5/

VI

Applications to appropriate underground water to irrigate additional land have been denied in the Imlay Area. 6/

VII

By an order dated January 31, 1978, the State Engineer designated and described the Imlay Area Ground Water Basin coming under the provisions of NRS 534. 7/

CONCLUSIONS

1. The State Engineer has jurisdiction of the parties and the subject matter of this action. 8/
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. 9/

3. The Humboldt River stream system and the Imlay Area ground water reservoir are interconnected. Water rights on the surface water system exceed the mean annual flow of the Humboldt River at Imlay. Water rights from the Imlay Area ground water reservoir exceed the estimate of recharge to the reservoir from precipitation.

The potential exists for additional development and pumpage from the Imlay Area ground water reservoir under existing rights.

4. If Applications 35058, 35059, 35060, and 36050 are granted, 1,940 additional acres of land would be irrigated. This would result in additional consumptive use by farm land irrigation of 7,760 acre-feet of water per year. The additional withdrawals and consumption would remove water from the ground water reservoir which:

- A. would not be replaced resulting in a depletion of the ground water reservoir, or
- B. would be replaced by infiltrating surface water that would otherwise remain or return to the stream system. The additional withdrawal would conflict with and tend to impair existing rights, and be detrimental to the public interest and welfare.

5. The State Engineer is authorized and directed to designate preferred uses of water within designated ground water basins such as the Imlay Area ground water basin. 10/ The consumptive use of ground water to irrigate additional land is not considered to be a preferred use of the limited water resources of the Imlay Area ground water basin.

RULING

Applications 35058, 35059, 35060, and 36050 are denied on the grounds that the appropriation of underground water for irrigation purposes 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 9th day

of AUGUST, 1979.

FOOTNOTES

1. Public records located within the office of the State Engineer.
2. Reconnaissance Series Report 5, p. 1 and 37.
3. Public records located within the office of the State Engineer.
4. Reconnaissance Series Report 5, p.31 and 34.
5. Water Resources Bulletin No. 32, p. 84.
6. Public records located within the office of the State Engineer. See denied Applications 28473, 28474, 28475, 28480, 28485, 28486, 28487, 28488, 28489, 28490, 28491, 28493, 28494, 29083, 29084, 29085, 29086, 29087, 29088, 29089, 29090, 29091, 29092, 29093, 29094, 29095, 29096, 29097, 29103, 30619, 30620, 30621, 30773, 30885, 31487, 31488, 31489, 31490, 31491, 31492, 31631, 31632, 31633, 31634, 31635, 31636, 32488, 32489, 32490, 32491, 32492, 32493, 32494, 32495, 32496, 32497, 32498, 32499, 32500, 32501, 32797, and 32798.
7. Public records located within the office of the State Engineer.
8. NRS 533.025 and 533.030, subsection 1.
9. NRS 533.370, subsection 4.
10. NRS 534.120, subsection 2.