

IN THE MATTER OF APPLICATIONS 32468, 32469, 32565,
32566, 33103, 33104, 33105, 33106 AND 34977 FILED TO
APPROPRIATE THE UNDERGROUND WATERS IN SAN)
EMIDIO DESERT AREA, WASHOE AND PERSHING)
COUNTIES, NEVADA)

R U L I N G

22

INTRODUCTION

Application 32468 was filed on June 29, 1977 by Erma Ethel Milliron to appropriate 2.7 c.f.s. of the waters of an underground source to be diverted within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 13, T.30N., R.22E., M.D.B.&M. and to be used for the irrigation of 160 acres within the W $\frac{1}{2}$ NW $\frac{1}{4}$ Section 13, E $\frac{1}{2}$ NE $\frac{1}{4}$ Section 14, T.30N., R.22E.

Application 32469 was filed on June 29, 1977 by Gayle Milliron to appropriate 2.7 c.f.s. of the waters of an underground source to be diverted within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 1, T.30N., R.22E., M.D.B.&M. and to be used for the irrigation of 160 acres within the S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 1, T. 30N., R.22E.

Application 32565 was filed on June 30, 1977 by J. Stewart White to appropriate 2.7 c.f.s. of the waters of underground source to be diverted within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 36, T.30N., R.22E., M.D.B.&M. and to be used for the irrigation of 160 acres within the NE $\frac{1}{4}$ Section 36, T.30N., R.22E.

Application 32566 was filed on June 30, 1977 by John White, Jr. to appropriate 2.7 c.f.s. of the waters of an underground source to be diverted within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 36, T.30N., R.22E., M.D.B.&M. and to be used for the irrigation of 160 acres within the E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 36, T.30N., R.22E. and E $\frac{1}{2}$ NE $\frac{1}{4}$ Section 1, T.29N., R.22E.

Application 33103 was filed on August 9, 1977 by Michael D. Milliron to appropriate 5.4 c.f.s. of the waters of an underground source to be diverted within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 12, T.30N., R.22E., M.D.B.&M. and to be used for the irrigation of 320 acres within the W $\frac{1}{2}$ Section 12, T.30N., R.22E.

Application 33104 was filed on August 9, 1977 by Michael D. Milliron to appropriate 5.4 c.f.s. of the waters of an underground source to be diverted within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 18, T.30N., R.23E., and to be used for the irrigation of 320 acres within the E $\frac{1}{2}$ E $\frac{1}{2}$ Section 13, T.30N., R.22E., W $\frac{1}{2}$ W $\frac{1}{2}$ Section 18, T.30N., R.23E.

Application 33105 was filed on August 9, 1977 by Michael D. Milliron to appropriate 5.4 c.f.s. of the waters of an underground source to be diverted within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 24, T.30N., R.22E., M.D.B.&M. and to be used for the irrigation of 320 acres within the E $\frac{1}{2}$ NE $\frac{1}{4}$ Section 24, T.30N., R.22E., W $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ Section 19, NW $\frac{1}{4}$ Section 30, T.30N., R.23E.

Application 33106 was filed on August 9, 1977 by Michael D. Milliron to appropriate 5.4 c.f.s. of the waters of an underground source to be diverted within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 24, T.30N., R.22E., M.D.B.&M. and to be used for the irrigation of 320 acres within the W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 19, W $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ Section 30, T.30N., R.23E.

Application 34977 was filed on February 13, 1978 by Michael D. Milliron to appropriate 2.7 c.f.s. of the waters of an underground source to be diverted within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 25, T.30., R.22E., M.D.B.&M. and to be used for the irrigation of 160 acres within the E $\frac{1}{4}$ NE $\frac{1}{4}$ Section 36, T.30N., R.22E., W $\frac{1}{2}$ NW $\frac{1}{4}$ Section 31, T.30N., R.23E.

In 1968 Water Resources - Reconnaissance Series Report 44 "Water-Resources Appraisal of Smoke Creek-San Emidio Desert Area, Nevada and California" by Patrick A. Glancy and F. Eugene Rush was prepared cooperatively by the Department of Conservation and Natural Resources, Division of Water Resources and U.S. Department of the Interior, Geological Survey. This report can be viewed at the office of the State Engineer.

I

The source of water to be used to reclaim lands under these Applications is water from an underground source within San Emidio Desert Area, Washoe and Pershing Counties, Nevada.1/

II

Ground-water recharge to the San Emidio Desert Area is mainly derived from precipitation within the area. 2/ The Geological survey estimates the perennial yield of the San Emidio Desert Area basin to be 2,500 acre feet of water per year. 3/

III

Certificates of Water Appropriation have been issued in the San Emidio Desert Area basin in the amount of 5,990 acre feet per year for manufacturing, mining and domestic and irrigation purposes. The State Engineer has issued permits which would allow for a diversion of an additional 1,280 acre feet per year. This constitutes a demand of 7,270 acre feet of water per year from the San Emidio Desert Area basin. 4/

IV

Should additional water be allowed for appropriation for the reclamation of lands under these applications 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.

CONCLUSIONS

1. The State Engineer has jurisdiction under NRS 534. 5/
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.6/

3. If subject applications were reported on favorably, additional lands would be irrigated. This would result in additional consumptive use by farmland 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 32468, 32469, 32565, 32566, 33103, 33104, 33105, 33106 and 34977 are hereby denied on the grounds that their granting would tend to impair the value of existing rights and be otherwise detrimental to the public welfare.

Respectfully submitted,



William J. Newman
State Engineer

Dated this 17th day
of APRIL, 1980

FOOTNOTES

1. Public records in the State Engineer's Office
2. Water Resource-Reconnaissance Series Report 44 pg. 27
3. Water Resource-Reconnaissance Series Report 44 pg. 46
4. Public records in the State Engineer's Office
5. NRS 534
6. NRS 533.370 Subsection 4.