

IN THE MATTER OF APPLICATIONS 36430,
36467, 36468 AND 36919 FILED FOR THE
WATERS OF AN UNDERGROUND SOURCE)
IN DIXIE VALLEY, CHURCHILL COUNTY,
NEVADA)

R U L I N G

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INTRODUCTION

Application 36430 was filed on January 15, 1979, by George D. & Sharon K. Boneck to appropriate 6.0 c.f.s. of the waters of an underground source to be diverted within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 1, T.23N., R.35E., M.D.B.&M. and to be used for the irrigation of 640 acres within Section 12, T.23N., R.35E., M.D.B.&M.

Application 36467 was filed on January 16, 1979, by Monte W. Loyd to appropriate 16.2 c.f.s. of the waters of an underground source to be diverted within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 9, T.23N., R.40E., M.D.B.&M. and to be used for the irrigation of 960 acres within the SE $\frac{1}{4}$ of Section 5, SW $\frac{1}{4}$ of Section 4, W $\frac{1}{4}$ of Section 9, E $\frac{1}{4}$ of Section 8, T.23N., R.40E., M.D.B.&M.

Application 36468 was filed on January 16, 1979, by Monte W. Loyd to appropriate 16.2 c.f.s. of the waters of an underground source to be diverted within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 9, T.23N., R.40E., M.D.B.&M. and to be used for the irrigation of 960 acres within the SE $\frac{1}{4}$ of Section 5, SW $\frac{1}{4}$ of Section 4, W $\frac{1}{4}$ of Section 9, E $\frac{1}{4}$ of Section 8, T.23N., R.40E., M.D.B.&M.

Application 36919 was filed on March 9, 1979, by George D. & Sharon K. Boneck to appropriate 6.0 c.f.s. of the waters of an underground source to be diverted within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 1, T.23N., R.35E., M.D.B.&M. and to be used for the irrigation of 640 acres within Section 12, T.23N., R.35E., M.D.B.&M.

In 1963, Ground-Water Resources-Reconnaissance Series Report 23 "A Brief Appraisal of the Ground-Water Hydrology of the Dixie-Fairview Valley Area, Nevada" by Philip Cohen and D.E. Everett, was prepared cooperatively by the Department of Conservation and Natural Resources, Division of Water Resources and the U.S. Department of the Interior, Geological Survey. This report can be viewed at the office of the State Engineer.

FINDINGS OF FACT

I

The source of water to be used to reclaim lands under these applications is water from an underground source within the northern portion of Dixie Valley. 1/

II

Ground-water recharge to the northern portion of Dixie Valley is derived mainly from precipitation within the area 2/ and from ground-water inflow from Jersey and Pleasant Valleys. 3/ Estimates of potential ground-water recharge to this area are approximately 4,300 acre-feet per year. 4/ This figure includes recharge inflows from Jersey and Pleasant Valleys and approximately one-half of the recharge to Dixie Valley.

III

Certificates of water appropriation have been issued in this area in the amount of 7,850 acre-feet per year for irrigation and domestic purposes. The State Engineer has issued permits which would allow for the diversion of an additional 6,624 acre-feet per year. This constitutes a demand of 14,474 acre-feet of water from this portion of Dixie Valley. 5/

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 533.370. 6/
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. 7/
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 36430, 36467, 36468 and 36919 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 11th day
of JUNE, 1980

FOOTNOTES

1. Public Records in the State Engineer's Office.
2. Ground-Water Resources-Reconnaissance Series Report 23 pg. 18.
3. Ground-Water Resources-Reconnaissance Series Report 23 pg. 18.
4. Ground-Water Resources-Reconnaissance Series Report 23 pg. 18.
and Table 5.
5. Public Records in the State Engineer's Office.
6. NRS 533.370.
7. NRS 533.370, Subsection 4.