

IN THE MATTER OF APPLICATIONS 38448,)
38449, 38450, 38451, 38452, 38453,)
38454, 38455, 38456, 38457, 38458,)
and 38459 FILED FOR THE WATERS OF AN)
UNDERGROUND SOURCE IN DAYTON VALLEY,)
LYON COUNTY, NEVADA)

R U L I N G

INTRODUCTION

Applications 38448 through 38459 were filed to appropriate underground water in the Sutro Tunnel Area, Dayton Valley, Nevada:

In 1975, Water Resources-Reconnaissance Series Report 59, "Water-Resources Appraisal of the Carson River Basin, Western Nevada," by Patrick A. Glancy and T. L. Katzer, was prepared cooperatively by the Nevada Department of Conservation and Natural Resources, Division of Water Resources; and the United States Department of the Interior, Geological Survey. This report is available at the State Engineer's office.

FINDINGS OF FACT

I

Application 38448 was filed by Comstock Tunnel & Drainage Company on June 28, 1979, to appropriate 0.774 c.f.s. of underground water for quasi-municipal and domestic purposes. The point of diversion is within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 1, T.16N., R.21E., M.D.B. & M., and the place of use is within the W $\frac{1}{2}$ and SE $\frac{1}{4}$ Section 1, and SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 2, T.17N., R.21E., M.D.B. & M., and portions of the NW $\frac{1}{4}$, NE $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 12, T.16N., R.21E., M.D.B. & M.

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Application 38450 was filed by Comstock Tunnel & Drainage Company on June 28, 1979, to appropriate 0.774 c.f.s. of underground water for quasi-municipal and domestic purposes. The point of diversion is within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 1, T.16N., R.21E., M.D.B. & M., and the place of use is within the W $\frac{1}{2}$ and SE $\frac{1}{4}$ Section 1, and SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 2, T.17N., R.21E., M.D.B. & M., and portions of the NW $\frac{1}{4}$, NE $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 12, T.16N., R.21E., M.D.B. & M.

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Application 38452 was filed by Comstock Tunnel & Drainage Company on June 28, 1979, to appropriate 0.774 c.f.s. of underground water for quasi-municipal and domestic purposes. The point of diversion is within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 12, T.16N., R.21E., M.D.B. & M., and the place of use is within the W $\frac{1}{2}$ and SE $\frac{1}{4}$ Section 1, and SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 2, T.17N., R.21E., M.D.B. & M., and portions of the NW $\frac{1}{4}$, NE $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 12, T.16N., R.21E., M.D.B. & M.

Application 38453 was filed by Comstock Tunnel & Drainage Company on June 28, 1979, to appropriate 0.774 c.f.s. of underground water for quasi-municipal and domestic purposes. The point of diversion is within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 12, T.16N., R.21E., M.D.B. & M., and the place of use is within the W $\frac{1}{2}$ and SE $\frac{1}{4}$ Section 1, and SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 2, T.17N., R.21E., M.D.B. & M., and portions of the NW $\frac{1}{4}$, NE $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 12, T.16N., R.21E., M.D.B. & M.

Application 38454 was filed by Comstock Tunnel & Drainage Company on June 28, 1979, to appropriate 0.774 c.f.s. of underground water for quasi-municipal and domestic purposes. The point of diversion is within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 12, T.16N., R.21E., M.D.B. & M., and the place of use is within the W $\frac{1}{2}$ and SE $\frac{1}{4}$ Section 1, and SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 2, T.17N., R.21E., M.D.B. & M., and portions of the NW $\frac{1}{4}$, NE $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 12, T.16N., R.21E., M.D.B. & M.

Application 38455 was filed by Comstock Tunnel & Drainage Company on June 28, 1979, to appropriate 0.774 c.f.s. of underground water for quasi-municipal and domestic purposes. The point of diversion is within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 1, T.16N., R.21E., M.D.B. & M., and the place of use is within the W $\frac{1}{2}$ and SE $\frac{1}{4}$ Section 1, and SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 2, T.17N., R.21E., M.D.B. & M., and portions of the NW $\frac{1}{4}$, NE $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 12, T.16N., R.21E., M.D.B. & M.

Application 38456 was filed by Comstock Tunnel & Drainage Company on June 28, 1979, to appropriate 0.774 c.f.s. of underground water for quasi-municipal and domestic purposes. The point of diversion is within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 1, T.16N., R.21E., M.D.B. & M., and the place of use is within the W $\frac{1}{2}$ and SE $\frac{1}{4}$ Section 1, and SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 2, T.17N., R.21E., M.D.B. & M., and portions of the NW $\frac{1}{4}$, NE $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 12, T.16N., R.21E., M.D.B. & M.

Application 38457 was filed by Comstock Tunnel & Drainage Company on June 28, 1979, to appropriate 0.774 c.f.s. of underground water

for quasi-municipal and domestic purposes. The point of diversion is within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 6, T.16N., R.22E., M.D.B. & M., and the place of use is within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 5, N $\frac{1}{2}$, SW $\frac{1}{4}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 6, T.16N., R.22E., M.D.B. & M., and N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 31, T.17N., R.22E., M.D.B. & M.

Application 38458 was filed by Comstock Tunnel & Drainage Company on June 28, 1979, to appropriate 0.774 c.f.s. of underground water for quasi-municipal and domestic purposes. The point of diversion is within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 6, T.16N., R.22E., M.D.B. & M., and the place of use is within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 5, N $\frac{1}{2}$, SW $\frac{1}{4}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 6, T.16N., R.22E., M.D.B. & M., and N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 31, T.17N., R.22E., M.D.B. & M.

Application 38459 was filed by Comstock Tunnel & Drainage Company on June 28, 1979, to appropriate 0.774 c.f.s. of underground water for quasi-municipal and domestic purposes. The point of diversion is within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 6, T.16N., R.22E., M.D.B. & M., and the place of use is within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 5, N $\frac{1}{2}$, SW $\frac{1}{4}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 6, T.16N., R.22E., M.D.B. & M., and N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 31, T.17N., R.22E., M.D.B. & M. 1/

II

By an Order dated January 22, 1973, the State Engineer designated and described the Dayton Valley Ground Water Basin as a ground water basin coming under the provisions of NRS 534. 2/

III

It is estimated that the potential recharge from precipitation to the Dayton Valley Ground Water Basin is 7,900 acre-feet annually. 3/

IV

Existing certificated and permitted ground water rights exceed 22,000 acre-feet annually. 4/ The potential exists for additional pumpage under existing ground water permits which have not yet been fully developed.

V

A Pumpage Inventory completed for 1979, estimates the total pumpage to be 15,930 acre-feet. 5/ This figure includes the withdrawal from the ground water reservoir by 419 individual domestic wells. The total pumpage for 1977 was estimated to be 14,300 acre-feet (including Stagecoach).

VI

Applications 38448 through 38459 propose to divert an additional 182.5 million gallons per year (or 560 acre-feet) from an already over-

appropriated ground water reservoir. Pumpage and consumptive use applied for would have an adverse effect on the existing concentration of domestic wells and by causing declines in the water table, resulting in additional infiltration of surface water and a deterioration of water quality by septic tank discharges.

VII

Applications to appropriate ground water for quasi-municipal purposes have been denied in Dayton 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:

1. There is no unappropriated water at the proposed source, or
2. The proposed use conflicts with existing rights, or
3. The proposed use threatens to prove detrimental to the public interest 8/

III

Existing ground water rights exceed the estimates of potential annual recharge to the Dayton Valley Ground Water Basin.

To grant additional rights under Applications 38448 through 38459 from the limited ground water resource would adversely affect existing rights and be detrimental to the public interest.

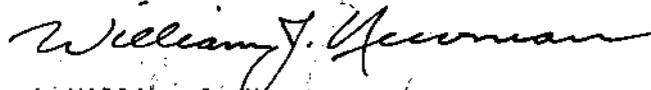
RULING

Applications 38448, 38449, 38450, 38451, 38452, 38453, 38454, 38455, 38456, 38457, 38458, and 38459 are denied on the grounds that the granting of these applications for an additional withdrawal of ground

Ruling
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water where the pumpage and the water rights of record exceed the potential annual recharge would conflict with existing rights and be detrimental to the public interest.

Respectfully submitted,



William J. Newman
State Engineer

WJN/RWP/gk

Dated this 28th day

of AUGUST, 1980.

FOOTNOTES

1. Public Records within the office of the State Engineer.
2. Public Records within the office of the State Engineer.
3. Water Resources-Reconnaissance Series Report 59, pg. 48
4. Public records within the office of the State Engineer. Estimation does not include certificates or permits within the topographically separate Stagecoach Sub-Area of Dayton Valley.
5. Public records within the office of the State Engineer. Estimation does not include certificates or permits within the topographically separate Stagecoach Sub-Area of Dayton Valley.
6. See denied Applications 27441, 27557, 36130, and 36131.
7. NRS 533.025 and NRS 533.030, Subsection 1.
8. NRS 533.370, Subsection 4.