

IN THE MATTER OF APPLICATIONS 39186, )  
39478, 42147, 42148, 42149, 42150, )  
42151, 42152, 42153, 42615, 42616, )  
42617, and 42618 FILED TO APPROPRIATE )  
UNDERGROUND WATER IN CRESCENT VALLEY, )  
EUREKA AND LANDER COUNTIES, NEVADA )

R U L I N G

INTRODUCTION

In 1961, Water Resource Bulletin No. 15, "Ground-Water Potentialities in the Crescent Valley, Eureka and Lander Counties, Nevada" by C. P. Zones, was prepared cooperatively by the Nevada Department of Conservation and Natural Resources, Division of Water Resources, and U.S. Department of Interior, Geological Survey. This report may be viewed at the State Engineer's office.

FINDINGS OF FACT

Application 39186 was filed by Karen H. Maxwell on September 28, 1979, to appropriate 7.4 c.f.s. of underground water for irrigation purposes. The point of diversion is within the SW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 8, T.29N., R.48E., M.D.B. & M., and the place of use is 320 acres within the W $\frac{1}{2}$  of Section 8, T.29N., R.48E., M.D.B. & M.

Application 39478 was filed by Angela D. DeTinne on November 2, 1979, to appropriate 5.4 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 16, T.30N., R.48E., M.D.B. & M., and the place of use is 320 acres within the N $\frac{1}{2}$  of Section 16, T.30N., R.48E., M.D.B. & M.

Application 42147 was filed by Etta R. Knox on August 22, 1980, to appropriate 5.4 c.f.s. of underground water for irrigation purposes. The point of diversion is within the SW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 34, T.31N., R.49E., M.D.B. & M., and the place of use is 320 acres within the E $\frac{1}{2}$  of Section 34, T.31N., R.49E., M.D.B. & M.

Application 42148 was filed by Donald Knox on August 22, 1980, to appropriate 5.4 c.f.s. of underground water for irrigation purposes. The point of diversion is within the SW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 34, T.31N., R.49E., M.D.B. & M., and the place of use is 320 acres within the W $\frac{1}{2}$  of Section 34, T.31N., R.49E., M.D.B. & M.

Application 42149 was filed by Mona M. Hipsley on August 22, 1980, to appropriate 5.4 c.f.s. of underground water for irrigation purposes. The point of diversion is within the SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 8, T.30N., R.49E., M.D.B. & M., and the place of use is 320 acres within the E $\frac{1}{2}$  of Section 8, T.30N., R.49E., M.D.B. & M.

Application 42150 was filed by Harry A. Taylor on August 22, 1980, to appropriate 5.4 c.f.s. of underground water for irrigation purposes. The point of diversion is within the SW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 20, T.30N., R.49E., M.D.B. & M., and the place of use is 320 acres within the E $\frac{1}{2}$  of Section 20, T.30N., R.49E., M.D.B. & M.

Application 42151 was filed by Beth L. Taylor on August 22, 1980, to appropriate 5.4 c.f.s. of underground water for irrigation purposes. The point of diversion is within the SW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 20, T.30N., R.49E., M.D.B. & M., and the place of use is 320 acres within the W $\frac{1}{2}$  of Section 20, T.30N., R.49E., M.D.B. & M.

Application 42152 was filed by Alan Inman on August 22, 1980, to appropriate 5.4 c.f.s. of underground water for irrigation purposes. The point of diversion is within the SW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 2, T.30N., R.49E., M.D.B. & M., and the place of use is 320 acres within the W $\frac{1}{2}$  of Section 2, T.30N., R.49E., M.D.B. & M.

Application 42153 was filed by Brenda Inman on August 22, 1980, to appropriate 5.4 c.f.s. of underground water for irrigation purposes. The point of diversion is within the SW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 2, T.30N., R.49E., M.D.B. & M., and the place of use is 320 acres within the E $\frac{1}{2}$  of Section 2, T.30N., R.49E., M.D.B. & M.

Application 42615 was filed by Sandra F. Woodbury on October 9, 1980, to appropriate 7.4 c.f.s. of underground water for irrigation purposes. The point of diversion is within the SW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 14, T.29N., R.48E., M.D.B. & M., and the place of use is 320 acres within the W $\frac{1}{2}$  of Section 14, T.29N., R.48E., M.D.B. & M.

Application 42616 was filed by Charles E. Woodbury on October 9, 1980, to appropriate 7.4 c.f.s. of underground water for irrigation purposes. The point of diversion is within the SW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 10, T.29N., R.48E., M.D.B. & M., and the place of use is 320 acres within the W $\frac{1}{2}$  of Section 10, T.29N., R.48E., M.D.B. & M.

Application 42617 was filed by Kevin Woodbury on October 9, 1980, to appropriate 7.4 c.f.s. of underground water for irrigation purposes. The point of diversion is within the SW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 14, T.29N., R.48E., M.D.B. & M., and the place of use is 320 acres within the E $\frac{1}{2}$  of Section 14, T.29N., R.48E., M.D.B. & M.

Application 42618 was filed by Fay H. Woodbury on October 9, 1980, to appropriate 7.4 c.f.s. of underground water for irrigation purposes. The point of diversion is within the SW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 10, T.29N., R.48E., M.D.B. & M., and the place of use is 320 acres within the E $\frac{1}{2}$  of Section 10, T.29N., R.48E., M.D.B. & M.

## II

The perennial yield from the Crescent Valley Ground Water Reservoir is estimated by the U.S. Geological Survey to be 14,000 acre-feet of water per year. 1/

III

Permits and certificates have been issued in Crescent Valley which could be used to divert over 27,000 acre-feet per year. 2/

IV

Applications to appropriate underground water to irrigate additional land have been denied in Crescent Valley. 3/

CONCLUSIONS

1. The State Engineer has jurisdiction of the parties and the subject matter of this action. 4/
2. The State Engineer is prohibited by law from granting a permit where:
  - A. There is no unappropriated water of 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. 5/
3. Existing water rights for ground water in Crescent Valley exceed the estimated perennial yield for the Crescent Valley ground water reservoir. These applications are to irrigate an additional 4,160 acres, and if permits were issued, an additional 16,640 acre-feet of ground water could be diverted annually.

RULING

Applications 39186, 39478, 42147, 42148, 42149, 42150, 42151, 42152, 42153, 42615, 42616, 42617, and 42618 are denied on the grounds that to grant additional water rights under the subject applications would conflict with existing water rights and be detrimental to the public interest and welfare.

Respectfully submitted,

*William J. Newman*

William J. Newman  
State Engineer

WJN/HR/gk

Dated this 14th day  
of MAY, 1981.

FOOTNOTES

- 1/ "Ground-Water Potentialities in the Crescent Valley, Eureka and Lander Counties, Nevada," Water Resource Bulletin No. 15, C. P. Zones, U.S. Geological Survey, 1961, pages 20 and 24.
- 2/ Public records located within the office of the State Engineer.
- 3/ Public records located within the office of the State Engineer. See denied Applications 36535, 36536, 36537, 36538, 36539, 36540, 37866, 37869, 38569, 39187, 39188, 39591, 39592, 39721, 39722, 39723, 39738, 39739, 39740, 39741, 39746, 39750, 39751, 39752, 40370, 40371, 40373, 40374, 40375, 40376, and 40449.
- 4/ NRS 533.025 and 533.030, Subsection 1.
- 5/ NRS 533.370, Subsection 4.