

IN THE MATTER OF APPLICATIONS 41642,)
42745, 42746, 42748, 42749, 43353,)
43493, 43494, 43495, 43659, 43660,)
43684, 43913, 43914 AND 43915 FILED)
TO APPROPRIATE UNDERGROUND WATER IN)
GABBS VALLEY, MINERAL, NYE AND)
CHURCHILL COUNTIES, NEVADA)

RULING

102

INTRODUCTION

In 1962, Reconnaissance Series Report No. 9, "Ground Water Appraisal of Gabbs Valley, Mineral and Nye Counties, Nevada" by Thomas W. Eakin, was prepared cooperatively by the Nevada Department of Conservation and Natural Resources and the U.S. Department of the Interior, Geological Survey. This report may be viewed in the State Engineer's office.

FINDINGS OF FACT

Application 42642 was filed by Thomas A. Sudderth on July 7, 1980, to appropriate 6.0 c.f.s. of underground water for irrigation purposes. The point of diversion is within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 33, T.12N., R.34E., M.D.B. & M., and the place of use is 160 acres within the SW $\frac{1}{4}$ of said Section 33.

Application 42745 was filed by Lacey R. Keller on October 29, 1980, to appropriate 5.4 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 20, T.11N., R.34E., M.D.B. & M. and the place of use is 320 acres in the N $\frac{1}{2}$ of said Section 20.

Application 42746 was filed by John W. Keller on October 29, 1980 to appropriate 5.4 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 20, T.11N., R.34E., M.D.B. & M., and the place of use is 320 acres within the S $\frac{1}{2}$ of said Section 20.

Application 42748 was filed by Bobby R. Merritt on October 29, 1980 to appropriate 5.4 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 16, T.11N., R.34E., M.D.B. & M. and the place of use is 320 acres within the N $\frac{1}{2}$ of said Section 16.

Application 42749 was filed by Lynn S. Verbeck on October 29, 1980, to appropriate 5.4 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 16, T.11N., R.34E., M.D.B. & M., and the place of use is 320 acres within the SW $\frac{1}{4}$ of said Section 16, and also within the SE $\frac{1}{4}$ of Section 17, T.11N., R.34E., M.D.B. & M.

Application 43353 was filed by Clarence B. Slusher on March 17, 1981, to appropriate 5.4 c.f.s. of underground water for irrigation purposes. The point of diversion is within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 16, T.12N., R.36E., M.D.B. & M. and the place of use is 320 acres within the SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ of said Section 16 and also within the N $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 17, T.12N., R.36E., M.D.B. & M.

Application 43493 was filed by Kathleen Helen Swickard on April 10, 1981 to appropriate 5.4 c.f.s. of underground water for irrigation purposes. The point of diversion is within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 20, T.12N., R.36E., M.D.B. & M. and the place of use is 320 acres within the NW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$ of said Section 20, and also within the S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 17, T.12N., R.36E., M.D.B. & M.

Application 43494 was filed by Gary L. Swickard on April 10, 1981 to appropriate 5.4 c.f.s. of underground water for irrigation purposes. The point of diversion is within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 3, T.12N., R.36E., M.D.B. & M., and the place of use is 320 acres within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 3.

Application 43495 was filed by Ivan L. Swickard on April 10, 1981, 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 $\frac{1}{4}$ Section 9, T.12N., R.36E., M.D.B. & M. and the place of use is 320 acres within the NE $\frac{1}{4}$ of said Section 9 and also within the NW $\frac{1}{4}$ Section 10, T.12N., R.36E., M.D.B. & M.

Application 43659 was filed by Kenneth L. Sumner on April 10, 1981, to appropriate 5.4 c.f.s. of underground water for irrigation purposes. The point of diversion is within Section 3, T.11N., R.34E., M.D.B. & M. and the place of use is 320 acres within the S $\frac{1}{2}$ of said Section 3.

Application 43660 was filed by Willie M. Keller on April 30, 1981, to appropriate 5.4 c.f.s. of underground water for irrigation purposes. The point of diversion is within T.11N., R.34E., M.D.B. & M., and the place of use is 320 acres within the S $\frac{1}{2}$ of said Section 3.

Application 43660 was filed by Willie M. Keller April 30, 1981, to appropriate 5.4 c.f.s. of underground water for irrigation purposes. The point of diversion is within T.12N., R.36E., M.D.B. & M. and the place of use is 320 acres within the NE $\frac{1}{4}$ Section 9 and also within the NW $\frac{1}{4}$ Section 10.

MILLER

APR 30 1981

1000

Application 43684 was filed by Gail S. Baxter on May 6, 1981 to appropriate 5.4 c.f.s. of underground water for irrigation purposes. The point of diversion is within T.12N., R.36E., M.D.B.& M., and the place of use is 320 acres within the NW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$ Section 20 and also the S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 17.

Application 43913 was filed by Floyd Dale Reiher on June 17, 1981 to appropriate 5.4 c.f.s. of underground water for irrigation purposes. The point of diversion was not designated. The place of use is 320 acres within the S $\frac{1}{2}$ of Section 3.

Application 43914 was filed by Dona M. Sharp on June 17, 1981 to appropriate 5.4 c.f.s. of underground water for irrigation purposes. The point of diversion was not designated. The place of use is 320 acres within the SE $\frac{1}{4}$ of Section 34 and also within the SW $\frac{1}{4}$ of Section 35, T.13N., R.36E., M.E.B.& M.

Application 43915 was filed by Glen R. Sharp on June 17, 1981 to appropriate 5.4 c.f.s. of underground water for irrigation purposes. The point of diversion was not designated. The place of use is 320 acres in the S $\frac{1}{2}$ NW $\frac{1}{4}$, and the SW $\frac{1}{4}$ of Section 34, T.13N., R.36E., and Lots 3 and 4 of Section 3, T.12N., R.36E., M.D.B.& M.

II

The perennial yield from the Gabbs Valley ground water reservoir is estimated by the U.S. Geological Survey to be 5,000 acre-feet of water per year. 1/

III

Permits and certificates have been issued in Gabbs Valley that could be used to withdraw over 14,600 acre-feet of ground water per year. 2/

IV

Applications 41642, 42745, 42746, 42748, 42749, 43353, 43493, 43494, 43495, 43659, 43660, 43684, 43913, 43914, and 43915 are to appropriate underground water in an area of concentrated existing water rights. These applications are for irrigation of land that is contiguous to existing patented land with irrigation rights.

CONCLUSIONS

The State Engineer has jurisdiction of the parties and the subject matter of this action. 3/

II

The State Engineer is prohibited by law from granting a permit where:

- a) There is no unappropriated water at the proposed source, of
- b) The proposed use conflicts with existing rights, or
- c) The proposed use threatens to prove detrimental to the public welfare. 4/

III

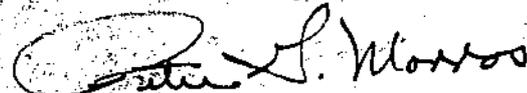
Existing water rights for ground water in Gabbs Valley exceed the estimated perennial yield for the Gabbs Valley ground water reservoir. These applications are to irrigate an additional 4640 acres and if permits were issued, an additional 18,560 acre-feet of ground water could be diverted annually.

These applications are to divert and appropriate underground water on land adjacent to and near land with existing water rights. The largest part of the existing underground water rights in Gabbs Valley is in the area of these applications and to allow these additional diversions would contribute to and accelerate declining water levels in this area of limited recharge to the ground water reservoir.

RULING

Applications 416462, 42745, 42746, 42748, 42749, 43353, 43493, 43494, 43495, 43659, 43660, 43684, 43913, 43914 and 43915 are denied on the grounds that to grant additional water rights under the subject applications would conflict with existing rights and threaten to prove detrimental to the public welfare.

Respectfully submitted,



Peter G. Morros
State Engineer

PGM-GTM-js

Dated this 13th day of
August, 1981

FOOTNOTES

1. Water Resources - Reconnaissance Series Report No. 9.
2. Public records located within the office of the State Engineer.
3. NRS 533.025 and 533.030, subsection 1.
4. NRS 533.370, subsection 4.