

IN THE MATTER OF APPLICATION 38016,)
FILED TO APPROPRIATE THE WATERS OF AN)
UNDERGROUND SOURCE IN CHURCHILL)
VALLEY, LYON COUNTY, NEVADA.)

R U L I N G

INTRODUCTION

Application 38016 was filed in the State Engineer's Office to appropriate underground water for irrigation and domestic purposes in Churchill 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 U.S. Department of the Interior, Geological Survey. This report is available from the State Engineer's office.

FINDINGS OF FACT

I

Application 38016 was filed by James A. and Barbara E. Powell on April 25, 1979, to appropriate 0.5 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 25, T. 18 N., R. 24 E., M.D.B.&M., and the place of use is 20.90 acres within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 25, T. 18 N., R. 24 E., M.D.B.&M.

II

Application 38016 was filed to appropriate water from an underground source within the Churchill Valley Ground Water Basin, Lyon County, Nevada, as designated and described by order of the State Engineer issued August 23, 1977. 2/

III

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

IV

The designated Churchill Valley Ground Water Basin is in a sub-basin of the larger Carson River Basin in Western Nevada. The potential local recharge from precipitation to the Churchill Valley Ground Water Basin is estimated to be 1,300 acre-feet of water per year. 4/

Permits and certificates have been issued under ground water applications which could be exercised to divert water in substantial excess of the estimated basin recharge from the Churchill Valley Ground Water Basin. 5/

VI

Should Application 38016 be granted, and should subsequent development of ground water under these permits detrimentally affect prior ground water rights, the State Engineer is required by law to order withdrawals restricted to conform to priority right. 6/

CONCLUSIONS

1. The State Engineer has jurisdiction of the parties and the subject matter of this action. 7/
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. 8/
3. Existing water rights for the Churchill Valley Ground Water Basin exceed the estimated potential recharge from precipitation to the Churchill Valley Ground Water Reservoir. The potential exists for additional pumpage under existing ground water rights which have not yet been developed. To grant additional water rights for irrigation from this limited ground water resource would adversely affect existing rights and threaten to prove detrimental to the public welfare.
4. The State Engineer is authorized and directed to designate preferred uses of water within designated ground water areas such as Churchill Valley. 9/ The consumptive use of additional ground water to irrigate additional land is not considered to be a preferred use of limited ground water resources of the Churchill Valley Ground Water Basin.

RULING

Application 38016 is herewith denied on the grounds that the appropriation of underground water for irrigation as applied for would tend to impair the value of existing rights and would threaten to prove detrimental to the public interest and welfare.

Respectfully submitted,



PETER G. MORROS
State Engineer

PGM/GT/br

Dated this 21st day

of July, 1983.

FOOTNOTES

1. Public records in the office of the State Engineer.
2. Public records in the office of the State Engineer and Chapter 534, Nevada Revised Statutes.
3. Public records in the office of the State Engineer. See denied Applications 28437, 31130, 31156, 31314, 31649, 31650, 31651, 31652, 31743, 22444, 35628, 35629 and 36191.
4. Water Resources Reconnaissance Series Report 59, pp. 47 and 48.
5. Public records in the office of the State Engineer.
6. NRS 534.110, subsections 2 and 6.
7. NRS 533.025 and 533.030, subsection 1.
8. NRS 533.370, subsection 4.
9. NRS 534.120, subsection 2.