

IN THE OFFICE OF THE STATE ENGINEER
OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION 55472)
FILED TO APPROPRIATE WATERS OF AN)
UNDERGROUND SOURCE IN MASON VALLEY)
(108), LYON COUNTY, NEVADA.)

RULING

4250

GENERAL

I.

Application 55472 was filed November 19, 1990, by Circle Bar "N" Ranch to appropriate 4.0 cubic feet per second (cfs) of water from an underground source for domestic and irrigation purposes to irrigate 520 acres within the E $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 36, T.15N., R.24E.; the SW $\frac{1}{4}$ and S $\frac{1}{2}$ NW $\frac{1}{4}$ Section 31, T.15N., R.25E.; the W $\frac{1}{2}$ NW $\frac{1}{4}$ Section 6, T.14N., R.25E.; and E $\frac{1}{2}$ NE $\frac{1}{4}$ Section 1, T.14N., R.24E., M.D.B.&M. The point of diversion is an existing permitted well under Permit 53315 located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 1, T.14N., R.24E., M.D.B.&M.¹ Item 12 of Application 55472 states:

This application is for water out of the same well as Permit 53315 and is being filed for additional head only. The total combined duty of this application, together with Permits 45288 and 53315 shall remain at 2080 acre-feet annually as presently permitted.¹

II.

Application 55472 was timely protested on February 14, 1991, by the Walker River Irrigation District/Jim Weishaupt on the following grounds:

Mason Valley is presently a closed basin for any further appropriations of the ground water supply. It is the concern and opinion of the Board of Directors that pumping by additional, individual wells in Mason Valley will have a negative impact on the existing ground water supply, unless it is conducted on a regional, controlled basis and under a properly managed well district with recharge capabilities. The conjunctive use pilot program provided evidence that under such a controlled program,

¹ File No. 55472, official records in the Office of the State Engineer.

there can be additional water provided from the underground source. Any impact to the ground water supply indirectly impacts the surface supply. Supplemental ground water is essential to the surface rights.

The protestant requested that the application be denied.¹

III.

Water resource development in Mason Valley is discussed in Water Resources Bulletin No. 38, "Water Resources and Development in Mason Valley, Lyon and Mineral Counties, Nevada, 1948-65", a bulletin cooperatively prepared in 1969 by the Nevada Department of Conservation and Natural Resources, Division of Water Resources and the U.S. Department of the Interior, Geological Survey.

IV.

In accordance with NRS 534.030, the State Engineer designated and described the Mason Valley Ground Water Basin as a ground water basin in need of additional administration.²

FINDINGS OF FACT

I.

The State Engineer finds that the proposed point of diversion under Application 55472 is located within the designated Mason Valley Groundwater Basin.^{1,2} The quantity of water already appropriated from this basin is approximately 150,000 acre feet annually (AFA)³ and the quantity of water actually diverted from the ground water aquifer has increased to an estimated 102,000 AFA in 1994.⁴ Both appropriations and pumpage exceed the perennial

² State Engineer's Order No. 627, dated January 20, 1977, and State Engineer's Order No. 691, dated September 7, 1977, official records in the Office of the State Engineer.

³ Hydrographic Basin Abstract 9-108, official records in the Office of the State Engineer.

⁴ Mason Valley and Smith Valley Groundwater Pumpage, 1994, official records in the Office of the State Engineer.

yield of 25,000 AFA.⁵ Annual water level measurements made by the State Engineer's staff shows that water levels in the area⁶ of Application 55472 have dropped between 5 and 18 feet in the time period 1986 to 1992. Average water level drop for 5 wells in the area was 10 feet over six years.⁷ At least four permitted and two domestic wells were re-drilled during the six year time period.⁸ Approval of Application 55472 would tend to increase pumpage from this area and increase the drop in water levels, thereby conflicting with existing rights, and threatening to prove detrimental to the public interest.

II.

The proposed place of use of Application 55472 is the same 520 acres as the places of use of underground Permits 53315 and 45288, and 111 acres of these 520 acres are included within the place of use of underground Permit 38330, Certificate 9508.⁹ The State

⁵ Nowlin, GROUND-WATER QUALITY IN NEVADA - A PROPOSED MONITORING PROGRAM, Open File Report 78-768, U.S.G.S., p. 195.

⁶ T.14N., R.24E., M.D.B.&M., Sections 1 and 12.
T.14N., R.25E., M.D.B.&M., Sections 4 through 8.
T.15N., R.24E., M.D.B.&M., Section 36.
T.15N., R.25E., M.D.B.&M., Sections 31 and 32.

⁷ Mason Valley water level measurements, official records in the Office of the State Engineer.

⁸ Well Completion Reports, and Well Driller's data base, official records in the Office of the State Engineer.
Permit 53315, SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 1, T.14N., R.24E., M.D.B.&M.
Permit 26716, NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 7, T.14N., R.25E., M.D.B.&M.
Permit 25201, SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 4, T.14N., R.25E., M.D.B.&M.
Permit 30191, SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 8, T.14N., R.25E., M.D.B.&M.
Masini's domestic well SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 4, T.14N., R.25E., M.D.B.&M.
Chico's domestic well SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 5, T.14N., R.25E., M.D.B.&M.

⁹ File Nos. 38330, 45288 and 53315, official records in the Office of the State Engineer.

Engineer finds that the combined diversion rate appurtenant to the 520 acres existing under Permits 38330, 45288 and 53315 is 7.71 cfs.⁹

III.

The State Engineer has determined the diversion rates and duties which will be allowed for the irrigation of various acreages. The State Engineer finds that 7.71 cfs is sufficient to effectively irrigate this 520 acres using sprinklers.¹⁰

IV.

The State Engineer finds that a previous application to increase the diversion rate for irrigation purposes from an underground source in the Mason Valley Ground Water Basin was denied on grounds that the granting of the permit would conflict with existing rights and would threaten to prove detrimental to the public interest.¹¹

CONCLUSIONS

I.

The State Engineer has jurisdiction over the parties and the subject matter of this action.¹²

II.

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

¹⁰ The State Engineer has many years of records for similar applications and has publications from the U.S. and State Departments of Agriculture to reference in making estimates of water use. For this case, the Crop Requirements section of the W.R. Ames Company Irrigation Handbook was used.

¹¹ State Engineer's Ruling No. 3880, dated March 19, 1992, official records in the Office of the State Engineer.

¹² NRS Chapters 533 and 534.

- C. The proposed use threatens to prove detrimental to the public interest.¹³

III.

A permit issued for Application 55472 would increase the diversion rate for irrigation of the 520 acres to 11.71 cfs. The State Engineer concludes this diversion rate would be in excess of that needed to irrigate this 520 acres.

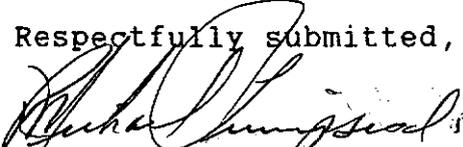
IV.

The State Engineer concludes that an increase in the diversion rate would tend to lower the water level in the immediate area, would conflict with existing rights in this already over-appropriated basin and on that basis it would threaten to prove detrimental to the public interest.

RULING

The protest to Application 55472 is hereby upheld and said application is hereby denied on the grounds that granting the application would interfere with existing rights and would threaten to prove detrimental to the public interest.

Respectfully submitted,


B. MICHAEL TURNIPSEED, P.E.
State Engineer



RMT/CAB/ab

Dated this 30th day of
November, 1995.

¹³ NRS 533.370(3).