

IN THE MATTER OF APPLICATIONS 31016,)
31017, 31018, 31035, 31067, 31071,)
31083, 31092, 31093, 31094, 31095,)
31097, 31127, 31129, 31131, 31132,)
31155, 31175, 31196, 31210, 31211,)
31230, 31241, 31262, 31282, 31283,)
31345, 31346, 31392 AND 31395 FILED)
TO APPROPRIATE THE WATERS OF AN)
UNDERGROUND SOURCE IN MASON VALLEY,)
LYON COUNTY, NEVADA.)

R U L I N G

INTRODUCTION

Applications 31016, 31017, 31018, 31035, 31067, 31071, 31083, 31092, 31093, 31094, 31095, 31097, 31127, 31129, 31131, 31132, 31155, 31175, 31196, 31210, 31211, 31230, 31241, 31262, 31282, 31283, 31345, 31346, 31392 and 31395 were filed in the State Engineer's office between January 24, 1977 and April 29, 1977 to appropriate underground water for irrigation purposes in Mason Valley, Nevada.

A protest to the granting of Application 31097 was filed on May 2, 1977. A protest to the granting of Application 31175 was filed on May 19, 1977. A protest to the granting of Application 31230 was filed on April 20, 1977.

In 1969, Water Resources Bulletin No. 38 "Water Resources and Development in Mason Valley, Lyon and Mineral Counties, Nevada, 1948-65", by C. J. Huxel, Jr. with a section on surface water by E. E. Harris, 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 is available from the State Engineer's office.

FINDINGS OF FACT

I

Applications 31016, 31017, 31018, 31035, 31067, 31071, 31083, 31092, 31093, 31094, 31095, 31097, 31127, 31129, 31131, 31132, 31155, 31175, 31196, 31210, 31211, 31230, 31241, 31262, 31282, 31283, 31345, 31346, 31392 and 31395 were filed in the State Engineer's office between January 24, 1977 and April 29, 1977 to appropriate underground water for irrigation purposes in Mason Valley, Nevada.

Application 31016 was filed on January 24, 1977 by Raymond and Janice E. Tamagni to appropriate 4.5 c.f.s. of the waters of an underground source to be diverted within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 12, T.13N., R.25E., and to be used for the irrigation of 330 acres within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 1, E $\frac{1}{2}$ E $\frac{1}{2}$ Section 12, T.13N., R.25E., and portions of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 6 and W $\frac{1}{2}$ W $\frac{1}{2}$ Section 7, T.13N., R.26E.

Application 31017 was filed on January 24, 1977, by Raymond and Janice E. Tamagni to appropriate 6.0 c.f.s. of the waters of an underground source to be diverted within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 21, T.14N., R.26E., and to be used for the irrigation of 640 acres within the W $\frac{1}{2}$ W $\frac{1}{2}$ Section 22, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$ Section 21, T.14N., R.26E.

Application 31018 was filed on January 24, 1977 by Bobby D. Bowen to appropriate 0.5 c.f.s. of the waters of an underground source to be diverted within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 35, T.14N., R.26E. to be used for the irrigation of 9 acres of land within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 35, T.14N., R.26E.

Application 31035 was filed on January 26, 1977 by Frade Ranches, Inc. to appropriate 5.4 c.f.s. of the waters of an underground source to be diverted within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 17, T.13N., R.26E., to be used for the irrigation of 640 acres within the E $\frac{1}{2}$ Section 18, W $\frac{1}{2}$ Section 17, T.13N., R.26E.

Application 31067 was filed on February 4, 1977 by the C/R Joint Venture to appropriate 5.0 c.f.s. of the waters of an underground source to be diverted within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 3, T.11N., R.25E. to be used for the irrigation of 306 acres within the SW $\frac{1}{4}$, portions of the NW $\frac{1}{4}$, Section 3, E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 4, NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 10, NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 9, T.11N., R.25E.

Application 31071 was filed on February 7, 1977 by James Moon to appropriate 8.0 c.f.s. of the waters of an underground source to be diverted within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 10, T.14N., R.26E., to be used for the irrigation of 560 acres within the E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$ Section 10 and the E $\frac{1}{2}$ NW $\frac{1}{4}$ Section 15, T.14N., R.26E.

Application 31083 was filed on February 10, 1977 by Vernon J. and Virginia A. Castello to appropriate 4.0 c.f.s. of the waters of an underground source to be diverted within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 2, T.12N., R.25E., to be used for the irrigation of 240 acres within the W $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 2, T.12N., R.25E.

Application 31092 was filed on February 11, 1977, by Edward J. Giacometto to appropriate 6.0 c.f.s. of the waters of an underground source to be diverted within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 12, T.12N., R.25E., to be used for the irrigation of 100 acres within the S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ and N $\frac{1}{2}$ SE $\frac{1}{4}$ Section 12, T.12N., R.25E.

Application 31093 was filed on February 11, 1977 by 4 G Corporation to appropriate 5.0 c.f.s. of the waters of an underground source to be diverted within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 33, T.14N., R.25E., to be used for the irrigation of 370 acres within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 28, SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 29, N $\frac{1}{2}$ NW $\frac{1}{4}$ Section 33, N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 32, T.14N., R.25E.

Application 31094 was filed on February 11, 1977 by the 4G Corporation to appropriate 5.0 c.f.s. of the waters of an underground source to be diverted within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 32, T.14N., R.25E. and to be used for the irrigation of 370 acres of land as described under Application 31093.

Application 31095 was filed on February 11, 1977 by Reed M. or Donna S. Curtis to appropriate 1.0 c.f.s. of the waters of an underground source to be diverted within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 8, T.13N., R.26E., and to be used for the irrigation of 25 acres of land within a portion of the N $\frac{1}{2}$ SE $\frac{1}{4}$ Section 8, T.13N., R.26E.

Application 31097 was filed on February 14, 1977 by Fred R. and Mardath M. Smith to appropriate 0.5 c.f.s. of the waters of an underground source to be diverted within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 16, T.14N., R.25E., to be used for the irrigation of 10 acres of land within the SE $\frac{1}{4}$, Section 16, T.14N., R.25E.

Application 31127 was filed on February 24, 1977, by Angelo Pecorilla to appropriate 3.0 c.f.s. of the waters of an underground source to be diverted within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 3, T.14N., R.25E. to be used for the irrigation of 75 acres within the W $\frac{1}{2}$ NW $\frac{1}{4}$ Section 3, T.14N., R.25E.

Application 31129 was filed on February 24, 1977 by Ronald T. Banta, Andrew MacKenzie, Mary Louise Banta and Lee Ann MacKenzie to appropriate 5.0 c.f.s. of the waters of an underground source to be diverted within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 12, T.12N., R.25E., to be used for the irrigation of 168 acres within the SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 12, T.12N., R.25E.

Application 31131 was filed on February 24, 1977, by Pete and Edith Fenili to appropriate 3.0 c.f.s. of the waters of an underground source to be diverted within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 23, T.12N., R.25E., and to be used for the irrigation of 240 acres within the NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 23, and the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 24, T.12N., R.25E.

Application 31132 was filed on February 24, 1977 by Antone J. Frade to appropriate 6.0 c.f.s. of the waters of an underground source to be diverted within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 18, T.13N., R.26E., to be used for the irrigation of 600 acres within the E $\frac{1}{2}$ Section 18, W $\frac{1}{2}$ Section 17, N $\frac{1}{2}$ NE $\frac{1}{4}$ Section 19, T.13N., R.26E.

Application 31155 was filed on March 2, 1977 by Robert G. Rogers and Jane T. Rogers to appropriate 5.0 c.f.s. of the waters of an underground source to be diverted within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 16, T.14N., R.25E., to be used for the irrigation of 185 acres within the W $\frac{1}{2}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ and a portion of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 16, T.14N., R.25E.

P
Application 31175 was filed on March 11, 1977 by Borsini Ranch to appropriate 6.0 c.f.s. of the waters of an underground source to be diverted within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 22, T.12N., R.25E., to be used for the irrigation of 300 acres within the NE $\frac{1}{4}$, a portion of the NW $\frac{1}{4}$ Section 22, SW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ Section 15 and portions of SE $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 16, T.12N., R.25E.

Application 31196 was filed on March 18, 1977 by Roland D. Hill to appropriate 9.0 c.f.s. of the waters of an underground source to be diverted within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 7, T.13N., R.26E., to be used for the irrigation of 354.7 acres within the S $\frac{1}{2}$ SW $\frac{1}{4}$, a portion of the N $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 5, SE $\frac{1}{4}$ SE $\frac{1}{4}$, a portion of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 6, E $\frac{1}{2}$ NE $\frac{1}{4}$ Section 7, N $\frac{1}{2}$ NW $\frac{1}{4}$ Section 8, T.13N., R.26E.

Application 31210 was filed on March 22, 1977 by John Hargus to appropriate 5.0 c.f.s. of the waters of an underground source to be diverted within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 36, T.12N., R.25E., to be used for the irrigation of 560 acres within the N $\frac{1}{2}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, Section 36, T.12N., R.25E., NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 1, T.11N., R.25E., and the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 31, T.12N., R.26E.

Application 31211 was filed on March 22, 1977 by Lester and Jayne Sceirine to appropriate 8.0 c.f.s. of the waters of an underground source to be diverted within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 3, T.13N., R.25E., to be used for the irrigation of 1,040 acres within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 3, NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 2, T.13N., R.25E., NE $\frac{1}{4}$ Section 34, S $\frac{1}{2}$ Section 27, SW $\frac{1}{4}$ Section 26, N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, Section 35, T.14N., R.25E., N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 34, T.14N., R.25E.

P
Application 31230 was filed on March 23, 1977, by Elmo, Baldo and Ugo Giorgi, Jr. to appropriate 3.5 c.f.s. of the waters of an underground source to be diverted within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 25, T.13N., R.25E., to be used for the irrigation of 138 acres within the W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 25, T.13N., R.25E.

Application 31241 was filed on March 25, 1977, by Joe M. Galvin and Gwendolyn Galvin to appropriate 2.7 c.f.s. of the waters of an underground source to be diverted within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 3, T.14N., R.26E., to be used for the irrigation of 160 acres within the E $\frac{1}{2}$ W $\frac{1}{2}$ Section 3, T.14N., R.26E.

Application 31262 was filed on March 30, 1977 by Joseph and Beverly Landolt to appropriate 2.5 c.f.s. of the waters of an underground source to be diverted within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 6, T.13N., R.26E., to be used for the irrigation of 162 acres within the E $\frac{1}{2}$ NW $\frac{1}{4}$, portions of the W $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, Section 5, T.13N., R.26E.

Application 31282 was filed on April 5, 1977, by S. G. Worsham and Loreen M. Worsham to appropriate 5.0 c.f.s. of the waters of an underground source to be diverted within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 9, T.11N., R.25E., to be used for the irrigation of 135 acres within portions of the SE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 9, and portions of the W $\frac{1}{2}$ W $\frac{1}{2}$ Section 10, T.11N., R.25E.

Application 31283 was filed on April 5, 1977, by S. G. Worsham and Loreen M. Worsham to appropriate 3.0 c.f.s. of the waters of an underground source to be diverted within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 9, T.11N., R.25E., to be used for the irrigation of 86 acres within portions of the SE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 9, portions of W $\frac{1}{2}$ W $\frac{1}{2}$ Section 10, T.11N., R.25E.

Application 31345 was filed on April 19, 1977 by Samuel Marovich III, John Scurry and Harper Burns to appropriate 6.0 c.f.s. of the waters of an underground source to be diverted within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 15, T.14N., R.26E., to be used for the irrigation of 480 acres within the SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, Section 15, the NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ Section 22, T.14N., R.26E.

Application 31346 was filed on April 19, 1977 by Samuel Marovich III, John Scurry and Harper Burns to appropriate 6.0 c.f.s. of the waters of an underground source, to be diverted within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 22, T.14N., R.26E., and be used for the irrigation of 480 acres within the SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, Section 15, NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, Section 22 T.14N., R.26E.

Application 31392 was filed on April 28, 1977, by Jay F. Julian and Darlene Julian to appropriate 6.0 c.f.s. of the waters of an underground source to be diverted within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 20, T.15N., R.26E., and to be used for the irrigation of 200 acres within the S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 20, T.15N., R.26E.

Application 31395 was filed on April 29, 1977 by John A. and Nora L. Connolly to appropriate 4.0 c.f.s. of the waters of an underground source to be diverted within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 13, T.13N., R.25E., to be used for the irrigation of 434 acres within the E $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 13, T.13N., R.25E., and the W $\frac{1}{2}$ Section 18, T.13N., R.26E.

II

Application 31097 was protested on May 2, 1977 by Orein Nish, Eileen Nish, Lloyd Taylor, Dola Taylor, Larry Taylor, Mary Taylor, Pat Peeples, Norma Peeples who prayed the application be denied on the following grounds:

"Commercial Well - 1. Area has been subdivided for one (1) or more acres. 2. Area has irrigation rights from the Walker River Irrigation District. 3. There is a large deep irrigation well available for the use in this area if requested, within 1200 feet. 4. Most of the domestic wells in this area are already having problems due to the water shortage and from ranches irrigating from deep irrigation wells."

Application 31175 was protested on May 19, 1977 by Shirley J. Chitwood who prayed the application be denied on the following grounds:

"Drilling of a well at the location requested could impair existing water rights for my ranch. During drought periods, my deep well is vital for farming; and I depend on income from my farming land for my living. The Borsinis are good neighbors, and I understand their need for irrigation water. I do believe that they could locate their well elsewhere on their larger ranch and further away from my Home. Lowering the water table could cause serious problems with my domestic well also."

Application 31230 was protested on April 20, 1977, by James S. McAdoo, Jr. who prayed that the application be denied on the following grounds:

- "1. Close to existing domestic wells, which may cause excessive interference.
- "2. Basin has been designated by the State Engineer."2

III

Applications 31016, 31017, 31018, 31035, 31067, 31071, 31083, 31092, 31093, 31094, 31095, 31097, 31127, 31129, 31131, 31132, 31155, 31175, 31196, 31210, 31211, 31230, 31241, 31262, 31282, 31283, 31345, 31346, 31392 and 31395 were filed to appropriate water from an underground source within the Mason Valley Ground Water Basin, Lyon and Mineral Counties, Nevada as designated and described by Order of the State Engineer issued January 20, 1977.³

IV

Applications 31016, 31017, 31018, 31035, 31067, 31071, 31083, 31092, 31093, 31094, 31095, 31097, 31127, 31129, 31131, 31132, 31155, 31175, 31196, 31210, 31211, 31230, 31241, 31262, 31282, 31283, 31345, 31346, 31392 and 31395 are to appropriate water from an underground source. The major part of the land to be irrigated under these applications does not have existing underground water rights. 5407 acres of the 7720 acres proposed to be irrigated under these pending applications do not now have an appurtenant underground right.⁴

V

The ground water reservoir water table has risen since the advent of farmland irrigation in Mason Valley and the water table is now substantially higher than under natural conditions prior to the initiation of irrigation in the valley. The rise in the water table has now nearly stabilized with water levels close to the surface in most of Mason Valley.⁵

VI

During the period 1948 through 1965, average annual stream-flow diversions in Mason Valley amounted to 140,000 acre-feet. The water from these diversions is accounted for by:

1. Consumptive use by irrigated crops.
2. Return flow to the river through canals and drain ditches.
3. Seepage losses from canals and ditches.
4. Evapotranspiration by phreatophytes and open water surfaces.

Return flow to the river is rediverted to satisfy downstream users rights, both within Mason Valley and in lower sub-basins of the Walker River system.⁶

VII

Pumpage of ground water for irrigation was estimated to be 20,000 acre-feet in 1961,⁷ 21,000 acre-feet in 1964,⁷ and 46,000 acre-feet in 1976.⁸ Ground water pumpage for irrigation is substantially less during years when surface water is available. In addition to irrigation pumpage, the net draft on the ground water reservoir due to pumpage for mining, municipal and domestic use is estimated to be 4,000 acre-feet per year.⁹

VIII

The system yield for Mason Valley has been estimated to be 100,000 acre-feet/year. System yield is defined as the maximum amount of surface and ground water of usable chemical quality that can be obtained each year from sources within the system for an indefinite period of time. In Mason Valley, the total available water supply on the average consists of surface water inflow (216,500 acre-feet/year), local runoff (5,900 acre-feet/year, 2000 of which goes to recharge of the ground water reservoir), and ground water inflow (500 acre-feet/year).

This available supply then is used or leaves the valley through:

1. Consumptive use by crops.
2. Evapotranspiration
3. Surface water outflow
4. Ground water outflow
5. Ground water pumpage for municipal, industrial, and domestic purposes.
6. Change in ground water storage.

During drought years, much of the water used for irrigation comes from ground water pumpage, with a subsequent depletion of ground water storage. On normal and wet years, excessive surface water flows tend to recharge the ground water storage reservoir. Under this system, average ground water pumpage would be 25,000 acre-feet/year, surface water use would be 75,000 acre-feet per year, and the remaining available supply would be used to make up phreato-phyte losses and surface water outflow to lower sub-basins of the system.¹⁰

IX

Estimated consumptive use by crops is approximately 41,000 acre-feet/year. Approximately 57,000 acre-feet of water is lost through evapotranspiration from about 53,000 acres of phreatophytes consisting of salt grass, grease wood, rabbit brush, buffaloberry, willow, cottonwood, tules and marsh plants.¹¹

X

Ground water appropriations in Mason Valley for irrigation purposes could be used to divert as much as 117,000 acre-feet/year to irrigate 32,700 acres. Ground water appropriations for other uses may be used to appropriate an additional 30,000 acre-feet. Beneficial use has been proved and certificates of appropriation issued for a total pumpage of 106,000 acre-feet/year. Present permitted rights total an additional 41,000 acre-feet/year.¹²

XI

Surface water appropriations and rights under Decree C-125 from the Walker River System far exceed the average annual flow of 216,000 acre feet entering Mason Valley from the East and West Walker Rivers, measured from 1948 to 1965.¹³

XII

Applications to appropriate additional surface water from the Walker River Stream system have been denied on the grounds that their granting would tend to impair the value of existing rights, there is no unappropriated water in the source and the granting of the proposed appropriations would be detrimental to the public welfare.¹⁴

XIII

Should applications 31016, 31017, 31018, 31035, 31067, 31071, 31083, 31092, 31093, 31094, 31095, 31097, 31127, 31129, 31131, 31132, 31155, 31175, 31196, 31210, 31211, 31230, 31241, 31262, 31282, 31283, 31345, 31346, 31392 and 31395 be granted, and subsequent development of ground water pursuant thereto detrimentally affect prior ground water rights or surface water rights as set forth under Decree C-125, and appropriated rights, the State Engineer is required by law to order withdrawals be restricted to conform to priority rights.¹⁵

CONCLUSIONS

1. The State Engineer has jurisdiction of the parties and the subject matter of this action.¹⁶
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.¹⁷
3. Existing water rights on the Walker River Stream System and the Mason Valley Ground Water Basin far exceed flow in the Walker River Stream System and recharge from precipitation to the Mason Valley Ground Water Basin. To grant irrigation rights that consume large quantities of additional water would adversely affect existing rights and threaten to prove detrimental to the public welfare.
4. If Applications 31016, 31017, 31018, 31035, 31067, 31071, 31083, 31092, 31093, 31094, 31095, 31097, 31127, 31129, 31131, 31132, 31155, 31175, 31196, 31210, 31211, 31230, 31241, 31262, 31282, 31283, 31345, 31346, 31392 and 31395 were granted, additional lands would be irrigated and lands that are irrigated only part time would be irrigated more intensively and frequently. This would result in additional consumptive use by farmland irrigation. The additional withdrawals and consumption would remove water from the ground water reservoir which:
 - A. would not be replaced resulting in depletion of the ground water reservoir, or;
 - B. would be replaced by infiltrating surface water that otherwise would return to the stream system.

The additional withdrawals and consumption of underground water for irrigation would therefore conflict with existing rights and threaten to prove detrimental to the public welfare.

Applications 31016, et al.
Ruling
Page 10

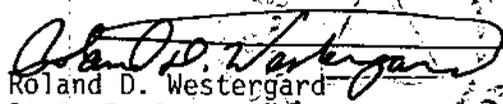
5. The State Engineer is authorized and directed to designate preferred uses of water within designated ground water areas such as the Mason Valley Ground Water Basin.¹⁸ The consumptive use of additional ground water to irrigate additional land or to more intensively or frequently irrigate other land is not considered to be a preferred use of the limited water resources of the Mason Valley Ground Water Basin.

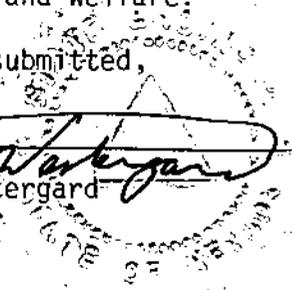
6. The underground water applied for under Applications 31016, 31017, 31018, 31035, 31067, 31071, 31083, 31092, 31093, 31094, 31095, 31097, 31127, 31129, 31131, 31132, 31155, 31175, 31196, 31210, 31211, 31230, 31241, 31262, 31282, 31283, 31345, 31346, 31392 and 31395 would diminish return underground and drain flow to the Walker River and so would adversely affect the prior rights as set forth in Decree C-125 and would conflict with appropriated rights on the Walker River Stream System and threaten to prove detrimental to the public welfare.

RULING

Applications 31016, 31017, 31018, 31035, 31067, 31071, 31083, 31092, 31093, 31094, 31095, 31097, 31127, 31129, 31131, 31132, 31155, 31175, 31196, 31210, 31211, 31230, 31241, 31262, 31282, 31283, 31345, 31346, 31392 and 31395 are herewith denied on the grounds that the appropriation of additional ground water for irrigation and use of the water applied for and requested from the area described in the applications would tend to impair the value of existing rights and be otherwise detrimental to the public interest and welfare.

Respectfully submitted,


Roland D. Westergard
State Engineer



RDW/BLR/TJS/bs

Dated this 5th day of

August, 1977.

FOOTNOTES

1. Public records in the Office of the State Engineer
2. Public records in the Office of the State Engineer
3. NRS 534
4. Public records located within the Office of the State Engineer
5. Water Resources Bulletin #38, pp. 13, 27, 36, Figure 5
6. Water Resources Bulletin #38, pp. 24, 25
7. Water Resources Bulletin #38, Table 15
8. Estimate made in State Engineer's office
9. Water Resources Bulletin #38, p. 33
10. Water Resources Bulletin #38, pp. 54-58
11. Water Resources Bulletin #38, pp. 30, Table 14
12. Public records in the Office of the State Engineer
13. Public record in the Office of the State Engineer and United States vs. Walker River Irrigation District, et al., United States District Court for the District of Nevada, Equity No. C-125 as amended by the Order of the Honorable A. F. St. Sure, dated April 24, 1940, hereafter called Decree C-125.
14. Public records in the Office of the State Engineer. See denied Applications 27242, 27328, 27572 and 27701.
15. NRS 534.110 subsections 3 and 6
16. NRS 533.025 and 533.030, subsection 1
17. NRS 533.370, subsection 4
18. NRS 534.120, subsection 2