

IN THE MATTER OF APPLICATIONS 31130,)
31156 and 31314 FILED TO APPROPRIATE)
THE WATERS OF AN UNDERGROUND SOURCE)
IN CHURCHILL VALLEY, LYON COUNTY,)
NEVADA.)

R U L I N G

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INTRODUCTION

Applications 31130, 31156 and 31314 were filed in the State Engineer's office between February 24, 1977 and April 11, 1977 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 31130 was filed on February 24, 1977 by Carson River Ranch, Peggy Amerongen, to appropriate 8.0 c.f.s. of water from an underground source to be diverted at a point in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 29, T.17N., R.25E., M.D.B. & M. The proposed appropriation is for the irrigation of 800 acres within the N $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, a portion of NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 28, S $\frac{1}{2}$ of the NE $\frac{1}{4}$, a portion of N $\frac{1}{2}$ NE $\frac{1}{4}$ Section 29, a portion of S $\frac{1}{2}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ Section 21, a portion of SW $\frac{1}{4}$ Section 22, T.17N., R.25E.

Application 31156 was filed on March 2, 1977 by Albert E. Beaty for permission to appropriate 4.0 c.f.s. of water from an underground source to be diverted within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 7, T.17N., R.25E., M.D.B. & M.

Application 31314 was filed on April 11, 1977 by Alfred J. Thompson III and Betty J. Thompson for permission to appropriate 0.33 c.f.s. of water from an underground source to be diverted in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 24, T.17N., R.24E., M.D.B. & m. The proposed appropriation is for the irrigation of 10 acres within a portion of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 24, T.17N., R.24E. 1/

II

Applications 31130, 31156 and 31314 were filed to appropriate water from an underground source within the Churchill Valley Ground Water Basin, Storey, Lyon and Churchill Counties, Nevada, as designated and described by order of the State Engineer issued August 23, 1977. 2/

III

Applications 31130, 31156 and 31314 are to appropriate water from an underground source. The land to be irrigated under Applications 31156 and 31314 does not have existing underground water rights. 569 acres of the 800 acres total under Application 31130 does have existing underground rights issued under Permit 25345. 3/

IV

The designated Churchill Valley Ground Water Basin is 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 1300 acre-feet of water per year. 4/

V

Certificates have been issued under ground water permits which could be exercised to divert 2865 acre-feet of water per year from the Churchill Valley Ground Water Basin. Permits have been granted which could be used to develop an additional 17,162 acre-feet per year from the basin. 5/

VI

Should Applications 31130, 31156 and 31314 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 rights. 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 groundwater 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 the limited ground water resources of the Churchill Valley Ground Water Basin.

RULING

Applications 31130, 31156 and 31314 are 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 be detrimental to the public interest and welfare.

Respectfully submitted,


Roland D. Westergard
State Engineer

RDW/d-

Dated this 29th 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 and Chapter 534, Nevada Revised Statutes.
3. Public records in the office of the State Engineer.
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 3 and 6.
7. NRS 533.025 and 533.030, subsection 1.
8. NRS 533.370, subsection 4.
9. NRS 534.120, subsection 2.