

IN THE MATTER OF APPLICATIONS)
31743 AND 32444 FILED TO APPRO-)
PRIATE THE WATERS OF AN UNDER-)
GROUND SOURCE IN CHURCHILL)
VALLEY, LYON COUNTY, NEVADA.)

R U L I N G

102
INTRODUCTION

Applications 31743 and 32444 were filed in the State Engineer's office on May 17, 1977 and June 29, 1977 respectively, to appropriate underground water for irrigation and domestic purposes in Churchill Valley, Nevada.

In 1975, Water Resources Reconnaissance Series Report Number 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 31743 was filed on May 17, 1977 by Thomas A. Hendrix for permission to appropriate 0.25 c.f.s. of water from an underground source. The proposed point of diversion is located within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 36, T.18N., R.24E., M.D.B. & M. The water is to be used for irrigation and domestic purposes on 10 acres of land located within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 36.

Application 32444 was filed on June 29, 1977 by ERGS, Inc. for permission to appropriate 3.0 c.f.s. of water from an underground source. The proposed point of diversion is located within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 31, T.17N., R.25E., M.D.B. & M. The water is to be used for irrigation and domestic purposes on 163 acres of land located within portions of the NW $\frac{1}{4}$ and W $\frac{1}{2}$ W $\frac{1}{2}$ NE $\frac{1}{4}$ of said Section 31.^{1/}

II

Applications 31743 and 32444 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 31743 and 32444 are to appropriate water from an underground source. The land to be irrigated under Applications 31743 and 32444 does not have existing underground water rights.^{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 12,800 acre-feet per year from the basin.^{5/}

VI

Should Applications 31743 and 32444 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/}

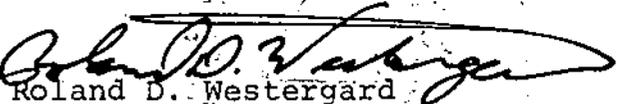
CONCLUSIONS

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 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 the limited ground water resources of the Churchill Valley Ground Water Basin.

RULING

Applications 31743 and 32444 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/BR/bl

Dated this 18th day of
November, 1977.

FOOTNOTES

1. Public Records within the Office of the State Engineer.
2. Public Records within the Office of the State Engineer and Chapter 534, Nevada Revised Statutes.
3. Public Records within the Office of the State Engineer.
4. Water Resources Reconnaissance Series Report 59, PP. 47 and 48.
5. Public Records within 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.