

IN THE MATTER OF APPLICATIONS 32013)
32124, 32288, 32289, 32597, 32599,)
34685 AND 34687 FILED TO APPROPRIATE)
THE WATERS OF AN UNDERGROUND SOURCE IN)
FISH LAKE VALLEY, ESMERALDA COUNTY,)
NEVADA)

R U L I N G

INTRODUCTION

Applications 32013, 32124, 32288, 32289, 32597, 32599, 34685 and 34687 were filed in the State Engineer's office between June 10, 1977 and December 5, 1977 to appropriate underground water for irrigation purposes in Fish Lake Valley, Nevada.

In 1973 Water Resources Reconnaissance Series Report #58, "Water resources appraisal of Fish Lake Valley, Nevada and California," by F. Eugene Rush and T. L. Katzer, was prepared cooperatively by the Geological Survey, U. S. Department of the Interior. This report is available from the State Engineer's office.

FINDINGS OF FACT

Applications 32013, 32124, 32288, 32289, 32597, 32599, 34685 and 34687 were filed in the State Engineer's office between June 10, 1977 and December 5, 1977 to appropriate underground water for irrigation purposes in Fish Lake Valley, Nevada.

Application 32013 was filed on June 10, 1977 by Albert Alexis to appropriate 2.7 c.f.s. of the waters of an underground source to be diverted within Tract 41, T.5S., R.36E., M.D.B.&M. and to be used for the irrigation of 106.73 acres within Lots 3 and 4, Section 35; Lot 1, SW1/4 NW1/4 Section 36; T.4S., R.36E., M.D.B.&M.

Application 32124 was filed on June 20, 1977 by Katherine Alexis to appropriate 2.7 c.f.s. of the waters of an underground source to be diverted within the NE1/4 NE1/4 Section 1, T.5S., R.36E., M.D.B.&M.; and to be used for the irrigation of 161.28 acres within Lots 3, 4, 5 and 6, Section 36, T.4S., R.36E.; Lots 1, 2, and 3, Section 1, T.5S., R.36E., M.D.B.&M.

Application 32288 was filed on June 27, 1977 by Edwin D. McCasland to appropriate 2.7 c.f.s. of the waters of an underground source to be diverted within the NE1/4 NW1/4 Section 30, T.4S., R.37E., M.D.B.&M.; and to be used for the irrigation of 160 acres within the NW1/4 Section 30, T.4S., R.37E., M.D.B.&M.

Application 32289 was filed on June 27, 1977 by Lorna I. Drake to appropriate 2.7 c.f.s. of the waters of an underground source to be diverted within the NE1/4 SW1/4 Section 30, T.4S., R.37E., M.D.B.&M., and to be used for the irrigation of 160 acres within the SW1/4 Section 30, T.4S., R.37E., M.D.B.&M.

Application 32597 was filed on June 30, 1977 by Monolith Corp. c/o Neil Bradshaw to appropriate 10.8 c.f.s. of the waters of an underground source to be diverted within the SW1/4 SE1/4 Section 8, T.2S., R.35E., M.D.B.&M., and to be used for the irrigation of 640 acres within the E1/2 Section 8, W1/2 Section 9, all in T.2S., R.35E., M.D.B.&M.

Application 32599 was filed on June 30, 1977 by Monolith Corp. c/o Neil Bradshaw to appropriate 10.8 c.f.s. of the waters of an underground source to be diverted within the SW1/4 SE1/4 Section 17, T.2S., R.35E., M.D.B.&M., and to be used for the irrigation of 640 acres within the W1/2 Section 16, E1/2 Section 17, all in T.2S., R.35E., M.D.B.&M.

Application 34685 was filed on December 5, 1977 by Thomas Hugh Logan to appropriate 2.7 c.f.s. of the waters of an underground source to be diverted within the NE1/4 NE1/4 Section 25, T.4S., R.36E., M.D.B.&M., and to be used for the irrigation of 160 acres within the NE1/4 Section 25 T.4S., R.36E., M.D.B.&M.

Application 34687 was filed on December 5, 1977 by Michael Norris McCasland to appropriate 2.7 c.f.s. of the waters of an underground source to be diverted within the NE1/4 SE1/4 Section 25, T.4S., R.36E., M.D.B.&M., and to be used for the irrigation of 160 acres within the SE1/4 Section 25, T.4S., R.36E., M.D.B.&M. 1/

II.

Applications 32013, 32124, 32288, 32289, 32597, 32599, 34685 and 34687 were filed to appropriate water from an underground source within the Fish Lake Valley Ground Water Basin, Esmeralda County, Nevada as designated and described by Order of the State Engineer issued February 10, 1978. 2/

III.

Ground water recharge in the Fish Lake Valley area is derived primarily from precipitation on the runoff from the mountains. 3/ The perennial yield (the maximum amount of natural discharge that can be salvaged each year over the long term by pumping without bringing about some undesired result) is estimated to be 30,000 acre-feet. 4/

IV.

The estimated consumption of ground water in Fish Lake Valley for 1970 was 14,000 acre-feet. Of this, around 2,400 acre-feet was consumed in California. 5/ Since 1970, the Nevada State Engineer has issued permits to appropriate an additional 20,000 acre-feet per year. Total existing rights to appropriate underground water in the Nevada portion of Fish Lake Valley amount to 45,742 acre-feet per year. 6/

V.

There is a potential for additional ground water development in the California portion of Fish Lake Valley.

VI

Should additional water be allowed for appropriation under the applications listed under Item 1 and subsequent development of ground water pursuant thereto detrimentally affect prior ground water rights, the State Engineer is required by law to order withdrawals be restricted to conform to priority rights. 7/

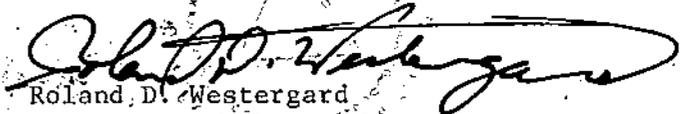
CONCLUSIONS

1. The State Engineer has jurisdiction under NRS 533.025 and 533.030, subsection 1. 8/
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. 9/
3. If subject applications were approved, additional lands would be irrigated. This would result in additional consumptive use by farmland irrigation. The additional withdrawals and consumption would remove water from the ground water reservoir which would not be replaced resulting in depletion of the ground water reservoir. 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. 10/

RULING

Applications 32013, 32124, 32288, 32289, 32597, 32599, 34685 and 34687 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/JPH/bl

Dated this 23rd day

of MAY, 1978.

FOOTNOTES

1. Public Records in the Office of the State Engineer.
2. NRS 534
3. Water Resources - Reconnaissance Series Report #58, pp. 10
4. Water Resources - Reconnaissance Series Report #58, pp. 45
5. Water Resources - Reconnaissance Series Report #58, Table 12
6. Public Records in the Office of the State Engineer
7. NRS 534.110, subsections 3 and 6
8. NRS 533.025 and 533.030, subsection 1
9. NRS 533.370, subsection 4
10. NRS 534.120, subsection 2