

IN THE MATTER OF APPLICATIONS)
29839, 29840, 29841, 29843,)
29844, 29845, and 29846 TO)
APPROPRIATE UNDERGROUND WATER)
FROM OASIS VALLEY, NYE COUNTY)
NEVADA)

R U L I N G

INTRODUCTION

Applications 29839, 29840, 29841, 29843, 29844, 29845, and 29846 were filed to appropriate underground water for irrigation purposes in Oasis Valley.

Ground-Water Resources-Reconnaissance Series Report 10, "Ground-Water Appraisal of Sarcobatus Flat and Oasis Valley, Nye and Esmeralda Counties, Nevada", by Glenn T. Malmborg and Thomas E. Eakin was prepared cooperatively by the Nevada Department of Conservation and Natural Resources and the U. S. Department of Interior, Geological Survey. A copy of this report may be viewed in the Office of the State Engineer.

Field investigations of Applications 29839, 29840, 29841, 29843, 29844, 29845, and 29846 were held on August 4, 1976.

FINDINGS OF FACT

Applications 29839, 29840, 29841, 29843, 29844, 29845, and 29846 were filed on December 8, 1975, to appropriate underground water from Oasis Valley near Beatty, Nevada. Each application is to appropriate 2.7 c.f.s., of water to irrigate 160 acres.

Application 29839 was filed by Terry V. Schooley. The point of diversion is within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 9, T.11S., R.47E., M.D.M., and the place of use is within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 9, NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 16, T.11S., R.47E., M.D.M.

Application 29840 was filed by Vernon B. Bradley. The point of diversion is within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 5, T.12S., R.47E., M.D.M., and the place of use is within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 5, T.12S., R.47E., M.D.M.

Application 29841 is by Minnie L. Bradley. The point of diversion is within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 32, T.11S., R.47E., M.D.M., and the place of use is within the S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 32, T.11S., R.47E., and the E $\frac{1}{2}$ E $\frac{1}{2}$ NW $\frac{1}{4}$ Section 5, T.12S., R.47E., M.D.M.

Application 29843 is by Robert L. Hutchinson. The point of diversion is within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 33, T.10S., R.47E., M.D.M., and the place of use is within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 33, T.10S., R.47E., and the NE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, Section 4, T.11S., R.47E., M.D.M.

Application 29844 is by Opal Whiles. The point of diversion is within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 33, T.10S., R.47E., M.D.M., and the place of use is within the S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, Section 33, T.10S., R.47E., M.D.M.

Application 29845 is by John Brenner. The point of diversion is within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 28, T.10S., R.47E., M.D.M., and the place

of use is within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 28, N $\frac{1}{2}$ NW $\frac{1}{4}$ Section 33, T.10S., R.47E., M.D.M.

Application 29846 is by Robert Linkins. The point of diversion is within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 4, T.11S., R.47E., M.D.M., and the place of use is within the S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, Section 4, T.11S., R.47E., M.D.M.1/

II

Protests to each of these applications were filed on February 27, 1976, by Bud and Teri Hawkins. The protestants prayed that the applications be denied on the grounds that "protestants are mostly possessed of water rights within the water source to be affected by the applications and the protestants believe they will be damaged by the granting of additional permits in or from said source."

A list of twelve names was submitted supporting the protests.2/

III

The pending applications are to irrigate 1120 acres. If 5 acre-feet per acre of underground water were applied per year the total diversion would be 5600 acre-feet of water per year.

IV

Recharge to and discharge by evapotranspiration from the Oasis Valley Ground Water Reservoir are estimated to be 2000 acre-feet per year. The recharge to the valley-fill reservoir from precipitation is estimated to be 250 acre-feet per year.3/

V

Existing water right certificates could be exercised to divert as much as 1920 acre-feet per year from wells and springs in Oasis Valley. Permits to develop underground water have been issued for an additional 3620 acre-feet per year. Permits to develop springs have been issued for an additional 100 acre-feet per year. These water rights total over 5600 acre-feet per year.

Water rights for human consumption total over 4300 acre-feet per year.4/

CONCLUSIONS

1. The State Engineer has jurisdiction of the parties and the subject matter of this action.5/
2. The State Engineer is prohibited by law from granting a permit where:
 - B. 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.6/

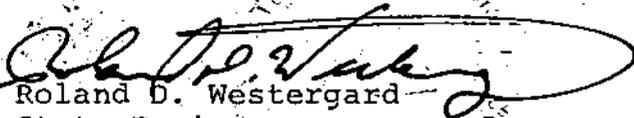
3. The Oasis Valley Surface Water system and the ground water reservoir are interconnected. Water rights on springs and on the ground water reservoir exceed the estimate of recharge to the ground water reservoir. The major part of the water rights are for municipal use.

To grant additional water rights for irrigation from the Oasis Valley ground water reservoir under the subject applications, would overcommit this limited natural resource, conflict with existing rights, and threaten to prove detrimental to the public welfare.

RULING

Applications 29839, 29840, 29841, 29843, 29844, 29845, and 29846 are denied and the protests upheld on the grounds that the granting of additional water rights for irrigation from the Oasis Valley ground water reservoir would conflict with existing rights and threaten to prove detrimental to the public welfare in this area where appropriations exceed estimates of recharge to the ground water reservoir.

Respectfully submitted,


Roland D. Westergard
State Engineer

RDW:JC/jv

Dated this 30th day of

May, 1978,

FOOTNOTES

1. Public records located within the Office of the State Engineer.
2. Public records located within the Office of the State Engineer.
3. Reconnaissance Series Report 10, pg. 24 and 25.
4. Public records located within the Office of the State Engineer.
5. NRS 533.025 and 533.030, subsection 1.
6. NRS 533.370, subsection 4.