

IN THE MATTER OF APPLICATIONS 31940)
AND 33231 FILED TO APPROPRIATE THE)
WATERS OF AN UNDERGROUND SOURCE IN)
FISH LAKE VALLEY, ESMERALDA COUNTY)
NEVADA.)

R U L I N G

INTRODUCTION

Applications 31940 and 33231 were filed in the State Engineer's office on June 6, 1977 and August 19, 1977 respectively, 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

I

Application 31940 was filed on June 6, 1977 by Arthur O. Johnson to appropriate 5.4 c.f.s. of the waters of an underground source to be diverted within the SW1/4 SW1/4 Section 22, T.2S., R.35E., M.D.B.&M. and to be used for irrigation and domestic purposes of 320 acres within the SE1/4 Section 21 and SW1/4, Section 22, T.2S., R.35E., M.D.B.&M.

Application 33231 was filed on August 19, 1977 by Robert E. and Shirley S. Duval to appropriate 1.0 c.f.s. of the waters of an underground source to be diverted within the SW1/4 NW1/4 Section 28, T.1S., R.35E., M.D.B.&M. and to be used for irrigation and domestic purposes of 120 acres within the SW1/4 NE1/4, SE1/4 NE1/4 Section 29, SW1/4 NW1/4 Section 28, T.1S., R.35E., M.D.B.&M. 1/

II

Application 33231 was protested on May 5, 1978 by the Arlemont Ranch who prayed the application be denied on the following grounds:

1. "The site of the proposed diversion is near the primary water source serving Fish Lake Valley which has been declared a ground-water basin by the state engineer through his order dated the 10th day of February, 1978.
2. The removal of water from an underground source so close to existing sources and so close to the primary water supply for the declared ground-water basin would jeopardize the prior appropriative rights of the protestant.
3. The property for which the appropriation is sought is not suitable for irrigation by flood or any other means because of the steepness and unevenness of the terrain.

4. The property is far too rocky and uneven for land leveling to be economically or ecologically feasible.
5. The rockiness and unevenness of the property renders it unsuitable for cultivation.
6. The applicant has neither the experience, the expertise, the equipment, nor the financial ability to carry out any plan to irrigate the property in question, or to apply the water which he seeks to appropriate to any beneficial use." 2/

III

Applications 31940 and 33231 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. 3/

IV

Ground water recharge in the Fish Lake Valley area is derived primarily from precipitation on and runoff from the mountains. 4/ 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. 5/

V

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. 6/ 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. 7/

VI

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

VII

Should additional water be allowed for appropriation under the Applications 31940 and 33231 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. 8/

CONCLUSIONS

1. The State Engineer has jurisdiction under NRS 533.025 and 533.030, subsection 1. 9/

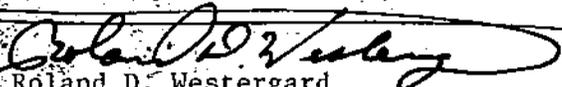
2. The State Engineer is prohibited by law from granting a permit where:
 - A. There is no unappropriated water at the proposed source, or
 - B. The proposed use conflicts with existing rights, or
 - C. The proposed use threatens to prove detrimental to the public welfare. 10/

3. If Applications 31940 and 33231 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.

RULING

Applications 31940 and 33231 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/PGM/bl

Dated this 5th day
of OCTOBER, 1978.

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