

IN THE MATTER OF APPLICATIONS 36535,)
36536, 36537, 36538, 36539, 36540,)
37866, 37869, 38569, 39187, 39188,)
39591, 39592, 39721, 39722, 39723,)
39738, 39739, 39740, 39741, 39746,)
39750, 39751, 39752, 40370, 40371,)
40373, 40374, 40375, 40376, and)
40449 FILED TO APPROPRIATE UNDER-)
GROUND WATER IN CRESCENT VALLEY,)
EUREKA AND LANDER COUNTIES, NEVADA)

R U L I N G

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INTRODUCTION

In 1961, Water Resource Bulletin No. 15, "Ground-Water Potentialities in the Crescent Valley, Eureka and Lander Counties, Nevada" by C. P. Zones, was prepared cooperatively by the Nevada Department of Conservation and Natural Resources, Division of Water Resources, and U.S. Department of Interior, Geological Survey. This report may be viewed at the State Engineer's office.

FINDINGS OF FACT

I

Application 36535 was filed by Jennie Lee Robertson on January 25, 1979, to appropriate 5.4 c.f.s. of underground water for irrigation purposes. The point of diversion is within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 22, T.29N., R.49E., M.D.B. & M., and the place of use is 320 acres within the S $\frac{1}{2}$ of Section 22, T.29N., R.49E., M.D.B. & M.

Application 36536 was filed by Dexter Robertson on January 25, 1979, to appropriate 5.4 c.f.s. of underground water for irrigation purposes. The point of diversion is within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 22, T.29N., R.49E., M.D.B. & M., and the place of use is 320 acres within the N $\frac{1}{2}$ of Section 22, T.29N., R.49E., M.D.B. & M.

Application 36537 was filed by John Stroup on January 25, 1979, to appropriate 5.4 c.f.s. of underground water for irrigation purposes. The point of diversion is within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 16, T.29N., R.49E., M.D.B. & M., and the place of use is 320 acres within the S $\frac{1}{2}$ of Section 16, T.29N., R.49E., M.D.B. & M.

Application 36538 was filed by Kirk Robertson on January 25, 1979, to appropriate 5.4 c.f.s. of underground water for irrigation purposes. The point of diversion is within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 16, T.29N., R.49E., M.D.B. & M., and the place of use is 320 acres within the N $\frac{1}{2}$ of Section 16, T.29N., R.49E., M.D.B. & M.

Application 36539 was filed by Olive Robertson on January 25, 1979, to appropriate 5.4 c.f.s. of underground water for irrigation purposes. The point of diversion is within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 14, T.29N., R.49E., M.D.B. & M., and the place of use is 320 acres within the S $\frac{1}{2}$ of Section 14, T.29N., R.49E., M.D.B. & M.

Application 36540 was filed by Stuart Robertson on January 25, 1979, to appropriate 5.4 c.f.s. of underground water for irrigation purposes. The point of diversion is within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 14, T.29N., R.49E., M.D.B. & M., and the place of use is 320 acres within the N $\frac{1}{2}$ of Section 14, T.29N., R.49E., M.D.B. & M.

Application 37866 was filed by Ray W. DeTinne on April 10, 1979, to appropriate 5.4 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 12, T.30N., R.48E., M.D.B. & M., and the place of use is 320 acres within the N $\frac{1}{2}$ of Section 12, T.30N., R.48E., M.D.B. & M.

Application 37869 was filed by Douglas G. DeTinne on April 10, 1979, to appropriate 5.4 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 16, T.30N., R.48E., M.D.B. & M., and the place of use is 320 acres within the S $\frac{1}{2}$ of Section 16, T.30N., R.48E., M.D.B. & M.

Application 38569 was filed by Donald M. Bird on July 16, 1979, to appropriate 2.0 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 31, T.29N., R.49E., M.D.B. & M., and the place of use is 60.11 acres within the S $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 31, T.29N., R.49E., M.D.B. & M.

Application 39187 was filed by Gregory Richards Thomas on September 28, 1979, to appropriate 7.4 c.f.s. of underground water for irrigation purposes. The point of diversion is within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 6, T.29N., R.48E., M.D.B. & M.; and the place of use is 320 acres within the W $\frac{1}{2}$ of Section 6, T.29N., R.48E., M.D.B. & M.

Application 39188 was filed by Jane Maxwell Thomas on September 28, 1979, to appropriate 7.4 c.f.s. of underground water for irrigation purposes. The point of diversion is within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 8, T.29N., R.48E., M.D.B. & M.; and the place of use is 320 acres within the E $\frac{1}{2}$ of Section 8, T.29N., R.48E., M.D.B. & M.

Application 39591 was filed by Howard W. DeTinne on November 9, 1979, to appropriate 5.4 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 10, T.30N., R.48E., M.D.B. & M., and the place of use is 320 acres within the N $\frac{1}{2}$ of Section 10, T.30N., R.48E., M.D.B. & M.

Application 39592 was filed by Evah L. DeTinne on November 9, 1979, to appropriate 5.4 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 10, T.30N., R.48E., M.D.B. & M., and the place of use is 320 acres within the S $\frac{1}{2}$ of Section 10, T.30N., R.48E., M.D.B. & M.

Application 39721 was filed by Virginia L. King on November 20, 1979, to appropriate 7.4 c.f.s. of underground water for irrigation purposes. The point of diversion is within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 24, T.29N., R.48E., M.D.B. & M., and the place of use is 320 acres within the E $\frac{1}{2}$ of Section 24, T.29N., R.48E., M.D.B. & M.

Application 39722 was filed by Dean S. King on November 20, 1979, to appropriate 7.4 c.f.s. of underground water for irrigation purposes. The point of diversion is within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 24, T.29N., R.48E., M.D.B. & M., and the place of use is 320 acres within the W $\frac{1}{2}$ of Section 24, T.29N., R.48E., M.D.B. & M.

Application 39723 was filed by Jack F. Nell on November 20, 1979, to appropriate 7.4 c.f.s. of underground water for irrigation purposes. The point of diversion is within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 2, T.30N., R.48E., M.D.B. & M., and the place of use is 320 acres within the W $\frac{1}{2}$ of Section 2, T.30N., R.48E., M.D.B. & M.

Application 39738 was filed by Lee Sweeley on November 20, 1979, to appropriate 7.4 c.f.s. of underground water for irrigation purposes. The point of diversion is within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 26, T.29N., R.48E., M.D.B. & M., and the place of use is 320 acres within the E $\frac{1}{2}$ of Section 26, T.29N., R.48E., M.D.B. & M.

Application 39739 was filed by Viola Sweeley on November 20, 1979, to appropriate 7.4 c.f.s. of underground water for irrigation purposes. The point of diversion is within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 26, T.29N., R.48E., M.D.B. & M., and the place of use is 320 acres within the W $\frac{1}{2}$ of Section 26, T.29N., R.48E., M.D.B. & M.

Application 39740 was filed by Shirley Jean King on November 20, 1979, to appropriate 7.4 c.f.s. of underground water for irrigation purposes. The point of diversion is within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 22, T.29N., R.48E., M.D.B. & M., and the place of use is 320 acres within the E $\frac{1}{2}$ of Section 22, T.29N., R.48E., M.D.B. & M.

Application 39741 was filed by De Rees King on November 20, 1979, to appropriate 7.4 c.f.s. of underground water for irrigation purposes. The point of diversion is within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 22, T.29N., R.48E., M.D.B. & M., and the place of use is 320 acres within the W $\frac{1}{2}$ of Section 22, T.29N., R.48E., M.D.B. & M.

Application 39746 was filed by Reginold M. Corona on November 20, 1979, to appropriate 7.4 c.f.s. of underground water for irrigation purposes. The point of diversion is within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 34, T.30N., R.48E., M.D.B. & M., and the place of use is 320 acres within the E $\frac{1}{2}$ of Section 34, T.30N., R.48E., M.D.B. & M.

Application 39750 was filed by Charles P. Tisdale on November 20, 1979, to appropriate 7.4 c.f.s. of underground water for irrigation purposes. The point of diversion is within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 34, T.30N., R.48E., M.D.B. & M., and the place of use is 320 acres within the W $\frac{1}{2}$ of Section 34, T.30N., R.48E., M.D.B. & M.

Application 39751 was filed by Donald G. Mantyla on November 20, 1979, to appropriate 7.4 c.f.s. of underground water for irrigation purposes. The point of diversion is within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 28, T.30N., R.48E., M.D.B. & M., and the place of use is 320 acres within the W $\frac{1}{2}$ of Section 28, T.30N., R.48E., M.D.B. & M.

Application 39752 was filed by Colleen C. Mantyla on November 20, 1979, to appropriate 7.4 c.f.s. of underground water for irrigation purposes. The point of diversion is within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 28, T.30N., R.48E., M.D.B. & M., and the place of use is 320 acres within the E $\frac{1}{2}$ of Section 28, T.30N., R.48E., M.D.B. & M.

Application 40370 was filed by Walter F. Ritter on January 23, 1980, to appropriate 7.4 c.f.s. of underground water for irrigation purposes. The point of diversion is within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 6, T.28N., R.49E., M.D.B. & M., and the place of use is 320 acres within the W $\frac{1}{2}$ of Section 6, T.28N., R.49E., M.D.B. & M.

Application 40371 was filed by Gayla K. Ritter on January 23, 1980, to appropriate 7.4 c.f.s. of underground water for irrigation purposes. The point of diversion is within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 6, T.28N., R.49E., M.D.B. & M., and the place of use is 320 acres within the E $\frac{1}{2}$ of Section 6, T.28N., R.49E., M.D.B. & M.

Application 40373 was filed by Marjorie R. Brandenburg on January 23, 1980, to appropriate 7.4 c.f.s. of underground water for irrigation purposes. The point of diversion is within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 32, T.29N., R.49E., M.D.B. & M., and the place of use is 320 acres within the E $\frac{1}{2}$ of Section 32, T.29N., R.49E., M.D.B. & M.

Application 40374 was filed by Drexel L. Brandenburg on January 23, 1980, to appropriate 7.4 c.f.s. of underground water for irrigation purposes. The point of diversion is within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 32, T.29N., R.49E., M.D.B. & M., and the place of use is 320 acres within the W $\frac{1}{2}$ of Section 32, T.29N., R.49E., M.D.B. & M.

Application 40375 was filed by Brad C. Brandenburg on January 23, 1980, to appropriate 7.4 c.f.s. of underground water for irrigation purposes. The point of diversion is within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 28, T.29N., R.49E., M.D.B. & M., and the place of use is 320 acres within the W $\frac{1}{2}$ of Section 28, T.29N., R.49E., M.D.B. & M.

Application 40376 was filed by Louis Bryant on January 23, 1980, to appropriate 7.4 c.f.s. of underground water for irrigation purposes.

The point of diversion is within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 28, T.29N., R.49E., M.D.B. & M., and the place of use is 320 acres within the E $\frac{1}{2}$ of Section 28, T.29N., R.49E., M.D.B. & M.

Application 40449 was filed by Sharon A. DeTinne on February 4, 1980, to appropriate 5.4 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 12, T.30N., R.48E., M.D.B. & M., and the place of use is 320 acres within the S $\frac{1}{2}$ of Section 12, T.30N., R.48E., M.D.B. & M.

II

Applications 36535 and 36537 were protested on October 23, 1979, by United States, Dept. of Interior, BLM. These protests were received after the statutory deadline had passed for filing a protest. The protestant prayed that the application be denied on the following grounds:

"That the subject lands are vacant public lands, and that the applicant has no authorization or right to use or convey the applied waters on or across such lands." 2/

Applications 36536, 36537, 36538, 36539, 36540, 37866, and 37869 were protested on October 1, 1979, by D. & H. Investments, who prayed the applications be denied on the following grounds:

"The underground water resource in Crescent Valley is approaching an over appropriated status and to grant additional withdrawals from the basin would adversely affect existing water rights of the Half Circle Ranch which is owned by the Protestant." 2/

Applications 36536, 36538, 36539, and 36540 were protested on October 23, 1979, by United State Department of Interior, BLM, who prayed the applications be denied on the following grounds:

"That the subject lands are vacant Public lands, and that the applicant has no authorization or right to use or convey the applied waters on or across such lands." 2/

III

The perennial yield from the Crescent Valley Ground Water Reservoir is estimated by the U.S. Geological Survey to be 14,000 acre-feet of water per year. 1/

IV

Permits and certificates have been issued in Crescent Valley which could be used to divert over 27,000 acre-feet per year. 2/

CONCLUSIONS

1. The State Engineer has jurisdiction of the parties and the subject matter of this action. 3/
2. The State Engineer is prohibited by law from granting a permit where:
 - A. There is no unappropriated water of 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. 4/
3. Existing water rights for ground water in Crescent Valley exceed the estimated perennial yield for the Crescent Valley ground water reservoir. These applications are to irrigate an additional 9,660.11 acres, and if permits were issued, an additional 38,640 acre-feet of ground water could be diverted annually.

RULING

Applications 36535, 36536, 36537, 36538, 36539, 36540, 37866, 37869, 38569, 39187, 39188, 39591, 39592, 39721, 39722, 39723, 39738, 39739, 39740, 39741, 39746, 39750, 39751, 39752, 40370, 40371, 40373, 40374, 40375, 40376, and 40449 are denied on the grounds that to grant additional water rights under the subject applications would conflict with existing water rights and be detrimental to the public interest and welfare.

Respectfully submitted,



William J. Newman
State Engineer

WJN/HR/gk

Dated this 20th day
of MARCH, 1981.

FOOTNOTES

- 1/ "Ground-Water Potentialities in the Crescent Valley, Eureka and Lander Counties, Nevada," Water Resource Bulletin No. 15, C. P. Zones, U.S. Geological Survey, 1961, pages 20 and 24.
- 2/ Public records located within the office of the State Engineer.
- 3/ NRS 533.025 and 533.030, Subsection 1.
- 4/ NRS 533.370, Subsection 4.