

IN THE MATTER OF APPLICATIONS 33178,)
33179, 33180, 33181, 33182, 33183,)
33184, 33185, 35134, 35135, 35136,)
35137, 35138, 35139, 35140, 35141,)
35194, 35195, 35196, 35197, 35222,)
35223, 35224, 35828, 35829, FILED TO)
APPROPRIATE UNDERGROUND WATERS IN)
PENoyer VALLEY, LINCOLN COUNTY,)
NEVADA)

R U L I N G 2725

INTRODUCTION

Application 33178 was filed by Margaret L. Sills on August 17, 1977, to appropriate 2.7 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 4, T.2S., R.55E., M.D.B.& M., and the place of use is 160 acres within the NW $\frac{1}{4}$ of said Section 4.

Application 33179 was filed by Norman A. Sills on August 17, 1977 to appropriate 2.7 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 4, T.2S., R.55E., M.D.B.& M., and the place of use is 160 acres within the SW $\frac{1}{4}$ of said Section 4.

Application 33180 was filed by Rebecca L. Stardig on August 17, 1977 to appropriate 2.7 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 22, T.2S., R.55E., M.D.B.& M., and the place of use is 160 acres within the NW $\frac{1}{4}$ of said Section 22.

Application 33181 was filed by Elsie Seals on August 17, 1977 to appropriate 2.7 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 3, T.2S., R.55E., M.D.B.& M., and the place of use is 160 acres within the SW $\frac{1}{4}$ of said Section 3.

Application 33182 was filed by Betty J. Kragerud on August 17, 1977 to appropriate 2.7 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 9, T.2S., R.55E., M.D.B.& M., and the place of use is 160 acres within the NW $\frac{1}{4}$ of said Section 9.

Application 33183 was filed by Gary E. Kragerud on August 17, 1977 to appropriate 2.7 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 3, T.2S., R.55E., M.D.B.& M., and the place of use is 160 acres within the NW $\frac{1}{4}$ of said Section 3.

Application 33184 was filed by Myrna L. Sills on August 17, 1977 to appropriate 2.7 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 4, T.2S., R.55E., M.D.B.& M., and the place of use is 160 acres within the SE $\frac{1}{4}$ of said Section 4.

Application 33185 was filed by Donald Norman Sills on August 17, 1977 to appropriate 2.7 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 4, T.2S., R.55E., M.D.B. & M., and the place of use is 160 acres within the NE $\frac{1}{4}$ of said Section 4.

Application 35134 was filed by Mrs. Gordon C. Bennett on March 16, 1978 to appropriate 5.4 c.f.s. of underground water for irrigation purposes. The point of diversion is within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 5, T.4S., R.55E., M.D.B. & M., and the place of use is 321 acres within the E $\frac{1}{2}$ of said Section 5.

Application 35135 was filed by Nevada Farms, Inc. on March 16, 1978 to appropriate 5.4 c.f.s. of underground water for irrigation purposes. The point of diversion is within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 31, T.3S., R.55E., M.D.B. & M., and the place of use is 320 acres within the W $\frac{1}{2}$ of said Section 31.

Application 35136 was filed by Nevada Farms, Inc. on March 16, 1978 to appropriate 5.4 c.f.s. of underground water for irrigation purposes. The point of diversion is within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 25, T.3S., R.54E., M.D.B. & M., and the place of use is 240 acres within the NE $\frac{1}{4}$ and S $\frac{1}{2}$ NW $\frac{1}{4}$ of said Section 25.

Application 35137 was filed by Oscar V. Bennett, Jr. on March 16, 1978 to appropriate 5.4 c.f.s. of underground water for irrigation purposes. The point of diversion is within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 29, T.3S., R.55E., M.D.B. & M., and the place of use is 320 acres within the W $\frac{1}{2}$ of said Section 29.

Application 35138 was filed by O. V. Bennett, Jr. on March 16, 1978 to appropriate 5.4 c.f.s. of underground water for irrigation purposes. The point of diversion is within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 28, T.3S., R.55E., M.D.B. & M., and the place of use is 320 acres within the SE $\frac{1}{4}$ and SE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 28.

Application 35139 was filed by O. V. Bennett, Jr. on March 16, 1978 to appropriate 5.4 c.f.s. of underground water for irrigation purposes. The point of diversion is within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 28, T.3S., R.55E., M.D.B. & M., and the place of use is 160 acres within the SW $\frac{1}{4}$ of said Section 28.

Application 35140 was filed by O. V. Bennett, Jr. on March 16, 1978 to appropriate 5.4 c.f.s. of underground water for irrigation purposes. The point of diversion is within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 33, T.3S., R.55E., M.D.B. & M., and the place of use is 320 acres within the W $\frac{1}{2}$ of said Section 33.

Application 35141 was filed by Nevada Farms, Inc. on March 16, 1978 to appropriate 5.4 c.f.s. of underground water for irrigation purposes. The point of diversion is within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 36, T.3S., R.55E., M.D.B. & M., and the place of use is 200 acres within the SW $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 36.

Application 35194 was filed by Hugh Gene, Ruth Maxine, J. P. and Bertha R. Marion on March 20, 1978 to appropriate 2.7 c.f.s. of underground water for irrigation purposes. The point of diversion is within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 24, T.3S., R.54E., M.D.B. & M., and the place of use is 160 acres within the NW $\frac{1}{4}$ of said Section 24.

Application 35195 was filed by Hugh Gene, Ruth Maxine, J. P. and Bertha R. Marion on March 20, 1978 to appropriate 2.7 c.f.s. of underground water for irrigation purposes. The point of diversion is within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 24, T.3S., R.54E., M.D.B. & M., and the place of use is 160 acres within the NE $\frac{1}{4}$ of said Section 24.

Application 35196 was filed by Hugh Gene, Ruth Maxine, J. P. and Bertha R. Marion on March 20, 1977 to appropriate 2.7 c.f.s. of underground water for irrigation purposes. The point of diversion is within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 24, T.3S., R.54E., M.D.B. & M., and the place of use is 160 acres within the SW $\frac{1}{4}$ of said Section 24.

Application 35197 was filed by Hugh Gene, Ruth Maxine, J. P. and Bertha R. Marion on March 20, 1978 to appropriate 2.7 c.f.s. of underground water for irrigation purposes. The point of diversion is within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 24, T.3S., R.54E., M.D.B. & M., and the place of use is 160 acres within the SE $\frac{1}{4}$ of said Section 24.

Application 35222 was filed by William W. Pidcoe, Jr. on March 27, 1978 to appropriate 5.4 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 3, T.4S., R.55E., M.D.B. & M., and the place of use is 320 acres within the SW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, Lots 3 and 4 of said Section 3.

Application 35223 was filed by Anne G. Pidcoe on March 27, 1978 to appropriate 5.4 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 4, T.4S., R.55E., M.D.B. & M., and the place of use is 320 acres within the SE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, Lots 1 and 2 of said Section 4.

Application 35224 was filed by William W. Pidcoe on March 27, 1978 to appropriate 5.4 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 4, T.4S., R.55E., M.D.B. & M., and the place of use is 320 acres within the SW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, Lots 3 and 4 of said Section 4.

Application 35828 was filed by George C. Engelmann on August 30, 1978 to appropriate 2.7 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 2, T.4S., R.55E., M.D.B. & M., and the place of use is 160 acres within the NE $\frac{1}{4}$, Lots 1, 2, 3 SW $\frac{1}{4}$ of said Section 2.

Application 35829 was filed by George C. Engelmann on August 30, 1978 to appropriate 7.0 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 8, T.4S., R.55E., M.D.B. & M., and the place of use is 320 acres within the N $\frac{1}{2}$ NW $\frac{1}{4}$ of said Section 8 and the S $\frac{1}{2}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$ Section 5, T.4S., R.55E., M.D.B. & M.

In 1974, Water Resources - Reconnaissance Series Report 60, "Water Resources Appraisal of Railroad and Penoyer Valley, East-Central Nevada", by A. S. Van Denburgh and F. Eugene Rush, 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 is available in the State Engineer's Office.

FINDINGS OF FACT

I

The subject applications were timely protested by Union Carbide Corporation. 1/

II

Ground water recharge in the Penoyer Valley area is provided by precipitation in the mountainous areas, with the water reaching the valley-fill reservoirs by seepage loss from streams on the alluvial slopes and by underflow from the consolidated rocks. 2/ The estimated recharge to Penoyer Valley is 4,300 acre-feet. 3/ The estimated perennial yield of Penoyer Valley is 4,000 acre-feet. 4/

III

Ground water appropriations in Penoyer Valley for irrigation purposes could be used to divert as much as 14,600 acre-feet per year to irrigate 3,340 acres. Ground water appropriations for other uses may be used to divert an additional 3,900 acre-feet per year. Beneficial use has been proved and certificates of appropriation issued for a total pumpage of 12,900 acre-feet per year. Present permitted rights total an additional 5,600 acre-feet per year. 5/

IV

Should additional water be allowed for appropriation 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. 6/

CONCLUSIONS

If the subject applications were granted, 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 33178, 33179, 33180, 33181, 33182, 33183, 33184, 33185, 35134, 35135, 35136, 35137, 35138, 35139, 35140, 35141, 35194, 35195, 35196,

35197, 35222, 35223, 35224, 35828 and 35829 are hereby denied on the grounds that their granting would tend to impair the value of existing rights and threaten to prove detrimental to the public welfare.

Respectfully submitted,



Peter G. Morros
State Engineer

PGM/TKG/dh

Dated this 29th day

of October, 1981.

FOOTNOTES

1. Public records in the State Engineer's Office.
2. Water Resources-Reconnaissance Series Report 60, p. 18.
3. Water Resources-Reconnaissance Series Report 60, p. 21.
4. Water Resources-Reconnaissance Series Report 60, p. 36.
5. Public records in the State Engineer's Office.
6. NRS 534.110, subsections 3 and 6.