

IN THE MATTER OF APPLICATIONS NUMBERS )  
32746, 34686, 34699, 34996, 34997, )  
36344, 41227, 41228, 41230 and 41231 )  
FILED TO APPROPRIATE THE WATERS OF AN )  
UNDERGROUND SOURCE IN FISH LAKE VALLEY, )  
ESMERALDA COUNTY, NEV. )

RULING

INTRODUCTION

Applications 32746, 34686, 34699, 34996, 34997, 36344, 41227, 41228, 41230, and 41231 were filed in the State Engineer's office 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 32746 was filed by Norris Aycok on July 8, 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 29, T.4S., R.37E., M.D.B.&M., and the place of use is 160 acres within the NW $\frac{1}{4}$  Section 29, T.4S., R.37E., M.D.B.&M.

Application 34686 was filed by Paulina Logan on December 5, 1977 to appropriate 2.7 c.f.s. of underground water for Irrigation & Domestic purposes. The point of diversion is within the NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 24, T.4S., R.36E., M.D.B.&M., and the place of use is 160 acres within the SE $\frac{1}{4}$  of Section 24, T.4S., R.36E., M.D.B.&M.

Application 34699 was filed by Russell J. Harrison on December 7, 1977 to appropriate 2.4 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the SE $\frac{1}{4}$  NE $\frac{1}{4}$  Section 5, T.4S., R.36E., M.D.B.&M. and the place of use is 160 acres within the NE $\frac{1}{4}$  Section 5, T.4S., R.36E., M.D.B.&M.

Application 34996 was filed by Four Rent Inc. on February 15, 1978 to appropriate 6.0 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 15, T.3S., R.35E., M.D.B.&M., and the place of use is 720 acres within the NW $\frac{1}{4}$ , N $\frac{1}{2}$  SW $\frac{1}{4}$  of Section 14, T.3S., R.35E., and the N $\frac{1}{2}$ , N $\frac{1}{2}$  S $\frac{1}{2}$  Section 15, T.3S., R.35E., M.D.B.&M.

Application 34997 was filed by Four Rent Inc. on February 15, 1978 to appropriate 6.0 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 15, T.3S., R.35E., M.D.B.&M., and the place of use is 720 acres within the NW $\frac{1}{4}$ , N $\frac{1}{2}$  SW $\frac{1}{4}$  of Section 14, T.3S., R.35E., and the N $\frac{1}{2}$ , N $\frac{1}{2}$  S $\frac{1}{2}$  Section 15, T.3S., R.35E., M.D.B.&M.

Application 36344 was filed by Sterling Bryan Davis on December 27, 1978 to appropriate 2.7 c.f.s. of underground water for Irrigation & Domestic purposes. The point of diversion is within the SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 15, T.2S., R.35E., M.D.B.&M., and the place of use is 160 acres within the W $\frac{1}{2}$  SW $\frac{1}{4}$ , SE $\frac{1}{4}$  SW $\frac{1}{4}$ , and SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 15, T.2S., R.35E., M.D.B.&M.

Application 41227 was filed by John Casey on May 2, 1980 to appropriate 2.7 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 4, T.3S., R.35E., M.D.B.&M., and the place of use is 296.72 acres within the SE $\frac{1}{4}$  NW $\frac{1}{4}$ , SW $\frac{1}{4}$  NE $\frac{1}{4}$ , SE $\frac{1}{4}$  NE $\frac{1}{4}$ , E $\frac{1}{2}$  NE $\frac{1}{4}$  SW $\frac{1}{4}$ , NW $\frac{1}{4}$  SE $\frac{1}{4}$ , NE $\frac{1}{4}$  SE $\frac{1}{4}$ , and Government lots 1 & 2 of Section 4, T.3S., R.35E., M.D.B.&M.

Application 41228 was filed by John Casey on May 2, 1980 to appropriate 1.3 c.f.s. of underground water for Irrigation purposes. The point of diversion is within the SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 4, T.3S., R.35E., M.D.B.&M., and the place of use is 296.72 acres within the SE $\frac{1}{4}$  NW $\frac{1}{4}$ , SW $\frac{1}{4}$  NE $\frac{1}{4}$ , SE $\frac{1}{4}$  NE $\frac{1}{4}$ , E $\frac{1}{2}$  NE $\frac{1}{4}$  SW $\frac{1}{4}$ , NW $\frac{1}{4}$  SE $\frac{1}{4}$ , NE $\frac{1}{4}$  SE $\frac{1}{4}$ , and Government lots 1 & 2 of Section 4, T.3S., R.35E., M.D.B.&M.

Application 41230 was filed by John Casey on May 2, 1980 to appropriate 0.7 c.f.s. of underground water for Irrigation purposes. The point of diversion is within the SW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 4, T.3S., R.35E., M.D.B.&M., and the place of use is 296.72 acres within the SE $\frac{1}{4}$  NW $\frac{1}{4}$ , SW $\frac{1}{4}$  NE $\frac{1}{4}$ , SE $\frac{1}{4}$  NE $\frac{1}{4}$ , E $\frac{1}{2}$  NE $\frac{1}{4}$  SW $\frac{1}{4}$ , NW $\frac{1}{4}$  SE $\frac{1}{4}$ , NE $\frac{1}{4}$  SE $\frac{1}{4}$ , and Government lots 1 & 2 of Section 4, T.3S., R.35E., M.D.B.&M.

Application 41231 was filed by John Casey on May 2, 1980 to appropriate 1.8 c.f.s. of underground water for Irrigation purposes. The point of diversion is within the NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 4, T.3S., R.35E., M.D.B.&M., and the place of use is 296.72 acres within the SE $\frac{1}{4}$  NW $\frac{1}{4}$ , SW $\frac{1}{4}$  NE $\frac{1}{4}$ , SE $\frac{1}{4}$  NE $\frac{1}{4}$ , E $\frac{1}{2}$  NE $\frac{1}{4}$  SW $\frac{1}{4}$ , NW $\frac{1}{4}$  SE $\frac{1}{4}$ , NE $\frac{1}{4}$  SE $\frac{1}{4}$ , and Government lots 1 & 2 of Section 4, T.3S., R.35E., M.D.B.&M. 1/

II

Applications 32746, 34686, 34699, 34996, 34997, 36344, 41227, 41228, 41230, and 41231 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, approximately 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 47,037 acre-feet per year. Estimated consumption of groundwater in 1979 in Fish Lake Valley was 30,000 acre-feet a substantial increase over estimated consumption in 1970. 6/

V

Numerous Applications to appropriate the underground water for irrigation purposes in Fish Lake Valley have been denied. These denied applications were filed prior to Applications 32746, 34686, 34699, 34996, 34997, 36344, 41227, 41228, 41230 and 41231. 7/

VI

There is a 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 listed under Item I 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/

VIII

Groundwater levels have declined in Fish Lake Valley since the advent of pumpage by irrigation wells. 9/ In particular, levels have declined near the Nevada-California border.

CONCLUSIONS

1. The State Engineer has jurisdiction under NRS 533.025 and 533.030, subsection 1. 10/
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 right, or
  - C. The proposed use threatens to prove detrimental to the public welfare. 11/
3. If the subject applications were approved, additional withdrawals would be made to the ground water reservoir. 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. 12/

RULING

Applications 32746, 34686, 34699, 34996, 34997, 36344, 41227, 41228, 41230 and 41231 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,



PETER G. MORROS  
State Engineer

PGM/GB/bt

Dated this 5th day

of MARCH, 1982.

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. Applications 31406, 31407, 31408, 31409, 31410, 31411, 31412, 31417, 31418, 31493, 31494, 31495, 31496, 31606, 31607, 31608, 31609, 31610, 31611, 31612, 31708, 31709, 31845, 31876, 31877, 31878, 31879, 31880, 31881, 31882, 31883, 31884, 31918, 31919, 31920, 31941, 31943, 31944, 31949, 31950, 31960, 31919, 31970, 31971, 31972, 31973, 31974, 31993, 31994, 31995, 31996, 32010, 32011, 32012, 32016, 32017, 32018, 32020, 32021, 32046, 32047, 32086, 32115, 32125, 32126, 32155, 32162, 32206, 32210, 32211, 32505, 32013, 32124, 32288, 32289, 32597, 32599, 34685, 34687, 31940, 33231 of record in the office of the State Engineer.
8. NRS 534.110, subsections 3 and 6
9. Public Records in the office of the State Engineer
10. NRS 533.025 and 533.030, subsection 1
11. NRS 533.370, subsection 4
12. NRS 534.120, subsection 2