

IN THE MATTER OF APPLICATION 45020 )  
FILED BY BUD SCHUETZ TO APPROPRIATE )  
THE WATER FROM ALKALI FLAT IN LYON )  
COUNTY, NEVADA. )

RULING

GENERAL

Application 45020<sup>1</sup> was filed on November 4, 1981, by Bud Schuetz to appropriate 5.0 c.f.s. from Alkali Flat at a point within the SW1/4 NW1/4 Section 22, T.17N., R.23E., M.D.B.&M., and to be used for irrigation and domestic purposes within portions of Sections 15, 16, 21, 22 and 27, T.17N., R.23E., M.D.B.&M.

No protest to granting of Application 45020 was filed.

A field investigation<sup>2</sup> was held on August 10, 1982, by the State Engineer's office to verify conditions as described in Application 45020.

A small pond had been excavated in the dry alkali lake bed proposed as the point of diversion. The water in the pond was determined to be ground water since there was no evidence of any surface water source contributing to the point of diversion. The lake bed lies within a small drainage area (less than 2 square miles) with no other apparent source of water other than occasional precipitation.

The proposed place of use covers portions of five sections of ground including a rocky plateau in Sections 15 and 22 and generally alkaline ground surfaces with sparse vegetation.

FINDINGS OF FACT

I.

The Alkali "Flat" proposed as point of diversion for Application 45020 is a small alkaline dry lake bed with a drainage area of less than 2 square miles.<sup>3</sup>

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<sup>1</sup> Application 45020 is a public record on file in the office of the State Engineer.

<sup>2</sup> A report of field investigation dated the 21st day of October, 1982, is a public record filed with Application 45020 in the office of the State Engineer.

<sup>3</sup> USGS 15 minute quadrangle map (1957) entitled Churchill Butte, Nev. (No. 523).

II.

The Dayton Valley underground basin was designated<sup>4</sup> by the State Engineer in 1973 as being a depleted ground water area. Applications for underground irrigation rights in need of additional administration under the provisions of NRS Chapter 534 have since been denied in the past<sup>5</sup> as irrigation is not a preferred use of the limited ground water resource in the basin.

III.

The water in the excavated pond at the point of diversion in the SW1/4 NW1/4 Section 22, T.17N., R.23E., M.D.B.&M., viewed at the time of the field investigation<sup>6</sup> is found to be ground water and not available for appropriation under Application 45020.

CONCLUSIONS

I.

The State Engineer has jurisdiction of the parties and the subject matter of this application.<sup>7</sup>

II.

The State Engineer is prohibited by law from granting a permit where:

- A. there is no unappropriated water at the source, or
- B. its proposed use or change conflicts with existing rights, or
- C. the proposed use threatens to prove detrimental to the public interest.<sup>8</sup>

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<sup>4</sup> Order No. 487 signed by the State Engineer is a public record filed in the office of the State Engineer.

<sup>5</sup> Public records in the office of the State Engineer.

<sup>6</sup> A report of field investigation dated the 21st day of October, 1982, is a public record filed with Application 45020 in the office of the State Engineer.

<sup>7</sup> NRS 533.325.

<sup>8</sup> NRS 533.370, subsection 3.

III.

The source of water proposed under Application 45020 is underground water from a small alkaline dry lake basin which has no apparent surface water flows other than occasional precipitation.

IV.

To grant Application 45020 for water from an underground source for irrigation purposes would adversely affect existing rights.<sup>9</sup>

RULING

Application 45020 is hereby denied on the grounds that the granting thereof would adversely affect existing rights.

Respectfully submitted



Peter G. Morros  
State Engineer

PGM/GC/bl

Dated this 10th day of  
JULY, 1984.

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<sup>9</sup> Public records in the office of the State Engineer.