

IN THE MATTER OF APPLICATIONS 36341,)
36661, 36662, 36663, 36842, 36843,)
36844, 36845, 36846, 36847, 36848,)
36868, 36869 AND 38359 FILED TO)
APPROPRIATE UNDERGROUND WATER IN)
HONEY LAKE VALLEY, WASHOE COUNTY,)
NEVADA)

R U L I N G

2584A

INTRODUCTION

In 1967, Water Resources Bulletin No. 43 "Water-Resources Appraisal of the Warm Springs-Lemmon Valley Area, Washoe County, Nevada" by F. Eugene Rush and Patrick A. Glancy, 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 36341 was filed by Donald D. and Bernice M. Frey on December 26, 1978, to appropriate 6.0 c.f.s., of underground water for irrigation and domestic purposes. The point of diversion is within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 21, T.26N., R.18E., M.D.B. & M., and the place of use is 40 acres within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 21, T.26N., R.18E., M.D.B. & M.

Application 36661 was filed by Gary and Clementine Tope and Ray May on February 8, 1979, to appropriate 5.4 c.f.s., of underground water for irrigation purposes. The point of diversion is within the SW $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 2, T.26N., R.18E., M.D.B. & M., and the place of use is 1280 acres within Sections 2 and 11, T.26N., R.18E., M.D.B. & M.

Application 36662 was filed by Gary and Clementine Tope and Ray May on February 8, 1979, to appropriate 5.4 c.f.s., of underground water for irrigation purposes. The point of diversion is within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 2, T.26N., R.18E., M.D.B. & M., and the place of use is 1280 acres within Sections 2 and 11, T.26N., R.18E., M.D.B. & M.

Application 36663 was filed by Gary and Clementine Tope and Ray May on February 8, 1979, to appropriate 5.4 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 11, T.26N., R.18E., M.D.B. & M., and the place of use is 1280 acres within Sections 2 and 11, T.26N., R.18E., M.D.B. & M.

Application 36842 was filed by Nellie S. Macres on February 22, 1979 to appropriate 5.4 c.f.s., of underground water for irrigation and domestic purposes. The point of diversion is within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 27, T.26N., R.18E., M.D.B. & M., and the place of use is 320 acres within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 22 and the NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 27, T.26N., R.18E., M.D.B. & M.

Application 36843 was filed by James T. Macres on February 22, 1979, to appropriate 5.4 c.f.s., of underground water for irrigation and domestic purposes. The point of diversion is within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 27, T.26N., R.18E., M.D.B. & M., and the place of use is 320 acres within the SW $\frac{1}{2}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 27 and the NW $\frac{1}{4}$ of Section 34, T.26N., R.18E., M.D.B. & M.

Application 36844 was filed by Richard Macres on February 22, 1979, to appropriate 5.4 c.f.s., of underground water for irrigation and domestic purposes. The point of diversion is within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 26, T.26N., R.18E., M.D.B. & M., and the place of use is 320 acres within the E $\frac{1}{2}$ W $\frac{1}{2}$, W $\frac{1}{2}$ E $\frac{1}{2}$ of Section 26, T.26N., R.18E., M.D.B. & M.

Application 36845 was filed by Marcia Mengelberg on February 22, 1979, to appropriate 5.4 c.f.s., of underground water for irrigation and domestic purposes. The point of diversion is within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 20, T.26N., R.19E., M.D.B. & M., and the place of use is 320 acres within the W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 20 and the E $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 22, T.26N., R.19E., M.D.B. & M.

Application 36846 was filed by Mariana Macres on February 22, 1979, to appropriate 5.4 c.f.s., of underground water for irrigation and domestic purposes. The point of diversion is within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 26, T.26N., R.18E., M.D.B. & M., and the place of use is 320 acres within the E $\frac{1}{2}$ E $\frac{1}{2}$ of Section 27 and the W $\frac{1}{2}$ W $\frac{1}{2}$ of Section 26, T.26N., R.18E., M.D.B. & M.

Application 36847 was filed by Nancy Smith on February 22, 1979, to appropriate 5.4 c.f.s., of underground water for irrigation and domestic purposes. The point of diversion is within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 29, T.26N., R.19E., M.D.B. & M., and the place of use is 320 acres within the E $\frac{1}{2}$ of Section 29, T.26N., R.19E., M.D.B. & M.

Application 36848 was filed by Linda Smith on February 22, 1979, to appropriate 5.4 c.f.s., of underground water for irrigation and domestic purposes. The point of diversion is within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 26, T.26N., R.18E., M.D.B. & M., and the place of use is 320 acres within the E $\frac{1}{2}$ E $\frac{1}{2}$ of Section 26, the NW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 25 and the N $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 36, T.26N., R.18E., M.D.B. & M.

Application 36868 was filed by Lucille M. Kimbrell on February 28, 1979, to appropriate 3.5 c.f.s., of underground water for irrigation and domestic purposes. The point of diversion is within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 26, T.26N., R.18E., M.D.B. & M., and the place of use is 320 acres within the E $\frac{1}{2}$ of Section 26, T.26N., R.18E., M.D.B. & M.

Application 36869 was filed by Clifford G. Kimbrell on February 28, 1979, to appropriate 3.5 c.f.s., of underground water for irrigation and domestic purposes. The point of diversion is within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 4, T.26N., R.19E., M.D.B. & M., and the place of use is 320 acres within the W $\frac{1}{2}$ of Section 4, T.26N., R.19E., M.D.B. & M.

Application 38359 was filed by Melvin J. Mills on June 18, 1979, to appropriate 1.0 c.f.s., of underground water for irrigation and domestic purposes. The point of diversion is within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 32, T.27N., R.18E., M.D.B. & M., and the place of use is 10 acres within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 32, T.27N., R.18E., M.D.B. & M.

II

The perennial yield from the Honey Lake Valley ground water reservoir is estimated by the U. S. Geological Survey to be 10,000 acre-feet of water per year. 1/

III

Permits and certificates have been issued in Honey Lake Valley which could be used to divert over 15,000 acre-feet of underground water per year. 2/

IV

Applications to appropriate ground water for irrigation purposes have been denied in Honey Lake Valley. 3/

CONCLUSIONS

1. The State Engineer has jurisdiction of the parties and the subject matter of this action. 4/
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. 5/
3. Existing water rights for ground water in Honey Lake Valley exceed the estimated perennial yield for the Honey Lake Valley ground water reservoir. These applications are to irrigate an additional 4210 acres and if permits were issued, an additional 16,840 acre-feet of ground water could be diverted annually.

RULING

Applications 36341, 36661, 36662, 36663, 36842, 36843, 36844, 36845, 36846, 36847, 36848, 36868, 36869 and 38359 are denied on the grounds that to grant additional water rights under the subject applications would conflict with existing rights and be detrimental to the public interest and welfare.

Respectfully submitted,

William J. Newman

William J. Newman
State Engineer

WJN/RWP/bc

Dated this 20th day of
August, 1980.