

IN THE MATTER OF APPLICATIONS 31461,)
31794, 31796, 31797, 31798, 31799,)
31800, 31801, 32187, 32188, 32189,)
32190, 32191, 32192, 32193, 32281,)
32282, 32283, 32866, 32868, 32870,)
32872, 32874, and 32876 FILED FOR THE)
WATERS OF AN UNDERGROUND SOURCE IN)
PENoyer VALLEY, LINCOLN COUNTY, NEVADA)

R U L I N G 2341

170

INTRODUCTION

Application 31461 was filed on May 5, 1977 by Sand Springs Reclamation Co., Inc., to appropriate 10.8 c.f.s., of the waters of an underground source to be diverted within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 34, T.3S., R.55E., M.D.B. & M., and to be used for the irrigation of 320 acres within the E $\frac{1}{2}$ Section 34, T.3S., R.55E.

Application 31794 was filed on May 23, 1977 by Sand Springs Reclamation Co., Inc., to appropriate 5.4 c.f.s., of the waters of an underground source to be diverted within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 29, T.3S., R.55E., M.D.B. & M., and to be used for the irrigation of 320 acres within the E $\frac{1}{2}$ Section 29, T.3S., R.55E.

Application 31796 was filed on May 23, 1977 by Sand Springs Reclamation Co., Inc., to appropriate 5.4 c.f.s., of the waters of an underground source to be diverted within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 20, T.3S., R.55E.

Application 31797 was filed on May 23, 1977 by Sand Springs Reclamation Co., Inc., to appropriate 5.4 c.f.s., of the waters of an underground source to be diverted within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 20, T.3S., R.55E., M.D.B. & M., and to be used for the irrigation of 320 acres within the W $\frac{1}{2}$ Section 20, T.3S., R.55E.

Application 31798 was filed on May 23, 1977 by Sand Springs Reclamation Co., Inc., to appropriate 5.4 c.f.s., of the waters of an underground source to be diverted within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 32, T.3S., R.55E., M.D.B. & M., and to be used for the irrigation of 320 acres within the W $\frac{1}{2}$ Section 32, T.3S., R.55E.

Application 31799 was filed on May 23, 1977 by Sand Springs Reclamation Co., Inc., to appropriate 5.4 c.f.s., of the waters of an underground source to be diverted within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 32, T.3S., R.55E., M.D.B. & M., and to be used for the irrigation of 320 acres within the E $\frac{1}{2}$ Section 32, T.3S., R.55E.

Application 31800 was filed on May 23, 1977 by Sand Springs Reclamation Co., Inc., to appropriate 5.4 c.f.s., of the waters of an underground source to be diverted within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 6, T.4S., R.55E., M.D.B. & M., and to be used for the irrigation of 320 acres within the W $\frac{1}{2}$ Section 6, T.4S., R.55E.

Application 31801 was filed on May 23, 1977 by Sand Springs Reclamation Co., Inc., to appropriate 5.4 c.f.s., of the waters of an underground source to be diverted within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 6, T.4S., R.55E., M.D.B. & M., and to be used for the irrigation of 320 acres within the E $\frac{1}{2}$ Section 6, T.4S., R.55E.

Application 32187 was filed on June 22, 1977 by Sand Springs Reclamation Co., Inc., to appropriate 10.2 c.f.s., of the waters of an underground source to be diverted within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 13, T.1S., R.55E., M.D.B. & M., and to be used for the irrigation of 640 acres within Section 13, T.1S., R.55E.

Application 32188 was filed on June 22, 1977 by Sand Springs Reclamation Co., Inc., to appropriate 10.2 c.f.s., of the waters of an underground source to be diverted within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 35, T.1S., R.55E., M.D.B. & M., and to be used for the irrigation of 640 acres within Section 35 T.1S., R.55E.

Application 32189 was filed on June 22, 1977 by Sand Springs Reclamation Co., Inc., to appropriate 10.2 c.f.s., of the waters of an underground source to be diverted within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 26, T.1S., R.55E., M.D.B. & M., and to be used for the irrigation of 640 acres within Section 26, T.1S., R.55E.

Application 32190 was filed on June 22, 1977 by Sand Springs Reclamation Co., Inc., to appropriate 10.2 c.f.s., of the waters of an underground source to be diverted within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 25, T.1S., R.55E., M.D.B. & M., and to be used for the irrigation of 640 acres within Section 25, T.1S., R.55E.

Application 32191 was filed on June 22, 1977 by Sand Springs Reclamation Co., Inc., to appropriate 10.2 c.f.s., of the waters of an underground source to be diverted within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 14, T.1S., R.55E., M.D.B. & M., and to be used for the irrigation of 640 acres within Section 14, T.1S., R.55E.

Application 32192 was filed on June 22, 1977 by Sand Springs Reclamation Co., Inc., to appropriate 10.2 c.f.s., of the waters of an underground source to be diverted within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 23, T.1S., R.55E., M.D.B. & M., and to be used for the irrigation of 640 acres within Section 23, T.1S., R.55E.

Application 32193 was filed on June 22, 1977 by Sand Springs Reclamation Co., Inc., to appropriate 10.2 c.f.s., of the waters of an underground source to be diverted within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 24, T.1S., R.55E., M.D.B. & M., and to be used for the irrigation of 640 acres within Section 24, T.1S., R.55E.

Application 32281 was filed on June 24, 1977 by O.V. Bennett, Jr., to appropriate 2.2 c.f.s., of the waters of an underground source to be diverted within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 33, T.3S., R.55E., M.D.B. & M., and to be used for the irrigation of 160 acres within the SE $\frac{1}{4}$ Section 33 T.3S., R.55E.

Application 32282 was filed on June 24, 1977 by O.V. Bennett, Jr., to appropriate 2.7 c.f.s., of the waters of an underground source to be diverted within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 28, T.3S., R.55E., M.D.B. & M., and to be used for the irrigation of 160 acres within the NW $\frac{1}{4}$ Section 28, T.3S., R.55E.

Application 32283 was filed on June 24, 1977 by O.V. Bennett, Jr., to appropriate 2.2 c.f.s., of the waters of an underground source to be diverted within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 33, T.3S., R.55E., M.D.B. & M., and to be used for the irrigation of 160 acres within the NE $\frac{1}{4}$ Section 33, T.3S., R.55E.

Application 32866 was filed on July 21, 1977 by Joel C. Stephens to appropriate 2.7 c.f.s., of the waters of an underground source to be diverted within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 10, T.1S., R.55E., and to be used for the irrigation of 160 acres within the NE $\frac{1}{4}$ Section 10, T.1S., R. 55E.

Application 32868 was filed on July 21, 1977 by Charles Smith Stephens to appropriate 2.7 c.f.s., of the waters of an underground source to be diverted within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 15, T.1S., R.55E., M.D.B. & M., and to be used for the irrigation of 160 acres within the NE $\frac{1}{4}$ Section 15, T.1S., R.55E.

Application 32870 was filed on July 21, 1977 by Rachel Stephens to appropriate 2.7 c.f.s., of the waters of an underground source to be diverted within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 15, T.1S., R.55E., M.D.B. & M., and to be used for the irrigation of 160 acres within the NW $\frac{1}{4}$ Section 15 T.1S., R.55E.

Application 32872 was filed on July 21, 1977 by Thomas Axel Stephens to appropriate 2.7 c.f.s., of the waters of an underground source to be diverted within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 10, T.1S., R.55E., M.D.B. & M., and to be used for the irrigation of 160 acres within the SW $\frac{1}{4}$ Section 10, T.1S., R.55E.

Application 32874 was filed on July 21, 1977 by Margaret S. Stephens to appropriate 2.7 c.f.s., of the waters of an underground source to be diverted within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 10, T.1S., R.55E., M.D.B. & M., and to be used for the irrigation of 160 acres within the SE $\frac{1}{4}$ Section 10 T.1S., R.55E.

Application 32876 was filed on July 21, 1977 by Norma J. Murray to appropriate 2.7 c.f.s., of the waters of an underground source to be diverted within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 10, T.1S., R.55E., M.D.B. & M., and to be used for the irrigation of 160 acres within the NW $\frac{1}{4}$ Section 10, T.1S., R.55E.

In 1974, Water Resources - Reconnaissance Series Report 60, "Water Resources Appraisal of Railroad and Penoyer Valleys, 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

Applications 32187, 32188, 32189, 32190, 32191, 32192, 32193, 32866, 32868, 32870, 32872, 32874, and 32876 were timely protested by Union Carbide Corporation.1/

II

The source of water to be used to reclaim lands under Carey Act Applications listed under Item I is water from an underground source within the Penoyer Valley Ground Water Basin, Lincoln County, Nevada.2/

III

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.^{3/} The estimated recharge to Penoyer Valley is 4,300 acre-feet.^{4/} The estimated perennial yield of Penoyer Valley is 4,000 acre-feet.^{5/}

IV

Ground water appropriations in Penoyer Valley for irrigation purposes could be used to divert as much as 14,600 acre-feet per year to irrigated 3,340 acres. Ground water appropriations for other uses may be used to divert an additional 6,600 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 8,300 acre-feet per year.^{6/}

V

Should additional water be allowed for appropriation for the reclamation of lands under the Carey Act 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.^{7/}

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 31461, 31794, 31796, 31797, 31798, 31799, 31800, 31801, 32187, 32188, 32189, 32190, 32191, 32192, 32193, 32281, 32282, 32283, 32866, 32868, 32870, 32872, 32874, and 32876 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


Roland D. Westergard
State Engineer

RDW:TJS/jv

Dated this 2nd day

of May, 1978.

Footnotes

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