

IN THE MATTER OF APPLICATIONS 30616,)
30617, 30851, 30852, 30864, 32710,)
32711, 32932, 32933, 32951, 32952,)
33054 AND 33872 TO APPROPRIATE WATER)
FROM AN UNDERGROUND SOURCE IN THE)
FERNLEY AREA, NEVADA.)

R U L I N G

INTRODUCTION

Applications 30616, 30617, 30851, 30852, 30864, 32710, 32711, 32932, 32933, 32951, 32952, 33054 and 33872 were filed to appropriate underground water in the Fernley Area for irrigation purposes.

In 1963, Water Resources Bulletin No. 17, "Ground Water Conditions in the Fernley-Wadsworth Area, Churchill, Lyon, Storey and Washoe Counties, Nevada", by W. C. Sinclair and O. J. Loeltz was prepared cooperatively by the Nevada Department of Conservation and Natural Resources and the Geological Survey, U. S. Department of the Interior. A copy of this report may be viewed in the Office of the State Engineer.

A Hearing in the matter of Applications 30616, 30617, 30851, 30852, 30864, 32710, 32711, 32932, 32933, 32951, 32952, 33054 and 33872 was held in Fallon, Nevada on July 12, 1978. A copy of the transcript of the Hearing may be viewed in the office of the State Engineer.

FINDINGS OF FACT

I

Applications 30616 and 30617 were filed on September 3, 1976 by David D. and Betty M. Jackson, each to appropriate 2.7 c.f.s. of water to irrigate 160 acres. The point of diversion under Application 30616 is within the SE1/4 NW1/4 Section 14, T.20N., R.24E., M.D.B.&M. and the place of use is within the NW1/4 said Section 14. The point of diversion under Application 30617 is within the NW1/4 NW1/4 Section 17, T.20N., R.25E., M.D.B.&M. and the place of use is within the NW1/4 said Section 17.

Applications 30851 and 30852 were filed on November 26, 1976 by George D. and Margaret S. Duffy, each to appropriate 6.0 c.f.s. of water to irrigate 640 acres within Section 27, T.21N., R.25E., M.D.B.&M. The point of diversion under Application 30851 is within the NW1/4 SW1/4 said Section 27 and the point of diversion under Application 30852 is within the SE1/4 NW1/4 said Section 27.

Application 30864 was filed on November 30, 1976 by Lee H. Smith to appropriate 3.0 c.f.s. of water to irrigate 42 acres. The point of diversion and place of use are within the NE1/4 NE1/4 Section 26, T.20N., R.25E., M.D.B.&M.

Application 32710 was filed on July 6, 1977 by Alvin G. Burtis to appropriate 2.7 c.f.s. of water to irrigate 160.67 acres. The point of diversion is within Lot 19, Section 6, T.20N., R.25E., M.D.B.&M. and the place of use is within Lots 16, 17, 18 and 19 of said Section 6.

Application 32711 was filed on July 6, 1977 by Mary P. Burtis to appropriate 2.7 c.f.s. of water to irrigate 160.36 acres. The point of diversion is within Lot 23, Section 6, T.20N., R.25E., M.D.B.&M. and the place of use is within Lots 20, 21, 22 and 23 of said Section 6.

Application 32932 was filed on July 27, 1977 by Boyd Evan Dillard to appropriate 2.7 c.f.s. of water to irrigate 160 acres. The point of diversion is within the NE1/4 SE1/4 Section 2, T.20N., R.24E., M.D.B.&M., and the place of use is within the SE1/4 said Section 2.

Application 32933 was filed on July 27, 1977 by James Y. Greer to appropriate 2.7 c.f.s. to irrigate 160 acres. The point of diversion is within the NE1/4 SW1/4 Section 2, T.20N., R.24E., M.D.B.&M. and the place of use is within the SW1/4 said Section 2.

Application 32951 was filed on July 29, 1977 by JoAnne V. McCassie to appropriate 2.7 c.f.s. of water to irrigate 149.05 acres. The point of diversion is within Lot 10, Section 6, T.20N., R.25E., M.D.B.&M. and the place of use is within Lots 8, 9, 10 and 11 of said Section 6.

Application 32952 was filed on July 29, 1977 by Joseph D. McCassie to appropriate 2.7 c.f.s. of water to irrigate 155.83 acres. The point of diversion is within Lot 14, Section 6, T.20N., R.25E., M.D.B.&M., and the place of use is within Lots 12, 13, 14 and 15 of said Section 6.

Application 33054 was filed on August 5, 1977 by Carey C. Weaver to appropriate 6.0 c.f.s. of water to irrigate 164 acres. The point of diversion is within the NE1/4 NE1/4 Section 30, T.20N., R.25E., M.D.B.&M., and the place of use is within the NE1/4 said Section 30.

Application 33872 was filed on September 29, 1977 by Arzella L. and Robert W. Millard to appropriate 0.5 c.f.s. of water to irrigate 2.0 acres. The point of diversion and place of use are within the NW1/4 SE1/4 Section 18, T.20N., R.25E., M.D.B.&M. 1/

II

The Fernley Area was designated on December 30, 1977 by the State Engineer as a groundwater basin coming under the provisions of Chapter 534 NRS.

III

The recharge from precipitation to the Fernley Area ground water reservoir is estimated by the U. S. Geological Survey to be 500 acre-feet of water per year. Irrigation water also recharges the ground water reservoir but recharge from irrigation is estimated to be less than 10,000 acre-feet per year. 2/

IV

Water rights have been issued in the Fernley Area which could be developed to divert as much as 17,000 acre-feet of underground water per year. 3/ Applications 30616, 30617, 30851, 30852, 30864, 32710, 32711, 32932, 32933, 32951, 32952, 33054 and 33872 are to irrigate an additional 2114 acres of land or to appropriate an additional 8456 acre-feet of underground water per year.

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 the Fernley Area exceed the estimated recharge to the ground water reservoir.

To grant additional water rights under the subject applications would conflict with existing rights and threaten to prove detrimental to the public welfare.

4. The potential exists for additional development of the Fernley Area ground water reservoir. Continuing urbanization of the area indicates pumpage will increase.

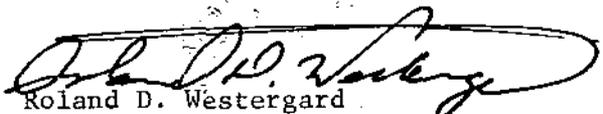
To grant additional water rights for irrigation from the Fernley Area ground water reservoir under the subject applications, would over-commit this limited natural resource, conflict with existing rights, and threaten to prove detrimental to the public welfare.

5. The State Engineer is authorized and directed to designate preferred uses of water within designated ground water areas such as the Fernley Area. 6/ The consumptive use of additional ground water to irrigate additional land or to more intensively or frequently irrigate other land is not considered to be a preferred use of the limited water resources of the Fernley Area ground water reservoir.

RULING

Applications 30616, 30617, 30851, 30852, 30864, 32710, 32711, 32932, 32933, 32951, 32952, 33054 and 33872 are denied on the grounds that the granting of underground water rights to irrigate additional land within the designated Fernley Area would conflict with existing rights and threaten to prove detrimental to the public welfare in this area where appropriations exceed estimates of recharge to the ground water reservoir.

Respectfully submitted,


Roland D. Westergard
State Engineer

RDW/JC/bl

Dated this 29th day

of AUGUST, 1978.

FOOTNOTES

1. Public records located within the Office of the State Engineer.
2. Water Resources - Bulletin No. 17, Page AA 10.
3. Public records located within the Office of the State Engineer.
4. NRS 533.025 and 533.030, subsection 1.
5. NRS 533.370, subsection 4.
6. NRS 534.120, subsection 2.

EAGLE-1

PER-ERA 511

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