

IN THE MATTER OF APPLICATIONS 31532, )  
31533, 31534, 31535, 31536, 31537, )  
31538, 31539, 31540, 31541, 31542, )  
31543, 31544, 31545, 32609, 32610, )  
32611 AND 32613 FILED TO APPROPRIATE )  
THE WATERS OF AN UNDERGROUND SOURCE IN)  
STONE CABIN VALLEY, NYE COUNTY, NEVADA)

R U L I N G

2397

INTRODUCTION

Applications 31532, 31533, 31534, 31535, 31536, 31537, 31538, 31539, 31540, 31541, 31542, 31543, 31544, 31545, 32609, 32610, 32611 and 32613 were filed to appropriate water from an underground source in the Stone Cabin Valley Ground Water Basin, Nye County, Nevada.

In 1962 Ground-Water Resources - Reconnaissance Series Report 12 "Ground-Water Appraisal of Ralston and Stone Cabin Valleys, Nye County, Nevada" by Thomas E. Eakin, was prepared cooperatively by the State of Nevada, Department of Conservation and Natural Resources, and the U. S. Department of Interior, Geological Survey. This report is on file in the State Engineer's office.

FINDINGS OF FACT

I

Applications 31532, 31533, 31534, 31535, 31536, 31537, 31538, 31539, 31540, 31541, 31542, 31543, 31544 and 31545 were filed in the State Engineer's office on May 9, 1977 by the Green Ridge Water Co. to appropriate underground water for irrigation and domestic purposes in Stone Cabin Valley, Nye County, Nevada.

Application 31532 was filed to appropriate 5.4 c.f.s. of water from an underground source to be diverted within the NW1/4 NE1/4 Section 21, T.1N., R.46E., M.D.B.&M., and to be used for irrigation and domestic purposes on 320 acres within the N1/2 Section 21, T.1N., R.46E., M.D.B.&M.

Application 31533 was filed to appropriate 5.4 c.f.s. of water from an underground source to be diverted within the NW1/4 SE1/4 Section 21, T.1N., R.46E., M.D.B.&M., and to be used for irrigation and domestic purposes on 320 acres within the S1/2 Section 21, T.1N., R.46E., M.D.B.&M.

Application 31534 was filed to appropriate 5.4 c.f.s. of water from an underground source to be diverted within the NW1/4 NE1/4 Section 15, T.1N., R.46E., M.D.B.&M., and to be used for irrigation and domestic purposes on 320 acres within the N1/2 Section 15, T.1N., R.46E., M.D.B.&M.

Application 31535 was filed to appropriate 5.4 c.f.s. of water from an underground source to be diverted within the NW1/4 SE1/4 Section 15, T.1N., R.46E., M.D.B.&M., and to be used for irrigation and domestic purposes on 320 acres within the S1/2 Section 15, T.1N., R.46E., M.D.B.&M.

Application 31536 was filed to appropriate 5.4 c.f.s. of water from an underground source to be diverted within the NW1/4 NE1/4 Section 22, T.1N., R.46E., M.D.B.&M., and to be used for irrigation and domestic purposes on 320 acres within the N1/2 Section 22, T.1N., R.46E., M.D.B.&M.

Application 31537 was filed to appropriate 5.4 c.f.s. of water from an underground source to be diverted within the NW1/4 SE1/4 Section 22, T.1N., R.46E., M.D.B.&M., and to be used for irrigation and domestic purposes on 320 acres within the S1/2 Section 22, T.1N., R.46E., M.D.B.&M.

Application 31538 was filed to appropriate 5.4 c.f.s. of water from an underground source to be diverted within the NW1/4 NE1/4 Section 28, T.1N., R.46E., M.D.B.&M., and to be used for irrigation and domestic purposes on 320 acres within the N1/2 Section 28, T.1N., R.46E., M.D.B.&M.

Application 31539 was filed to appropriate 5.4 c.f.s. of water from an underground source to be diverted within the NW1/4 SE1/4 Section 28, T.1N., R.46E., M.D.B.&M., and to be used for irrigation and domestic purposes on 320 acres within the S1/2 Section 28, T.1N., R.46E., M.D.B.&M.

Application 31540 was filed to appropriate 5.4 c.f.s. of water from an underground source to be diverted within the NW1/4 NE1/4 Section 29, T.1N., R.46E., M.D.B.&M., and to be used for irrigation and domestic purposes on 320 acres within the N1/2 Section 24, T.1N., R.46E., M.D.B.&M.

Application 31541 was filed to appropriate 5.4 c.f.s. of water from an underground source to be diverted within the NW1/4 NE1/4 Section 27, T.1N., R.46E., M.D.B.&M., and to be used for irrigation and domestic purposes on 320 acres within the N1/2 Section 27, T.1N., R.46E., M.D.B.&M.

Application 31542 was filed to appropriate 5.4 c.f.s. of water from an underground source to be diverted within the NW1/4 SE1/4 Section 27, T.1N., R.46E., M.D.B.&M., and to be used for irrigation and domestic purposes on 320 acres within the S1/2 Section 27, T.1N., R.46E., M.D.B.&M.

Application 31543 was filed to appropriate 5.4 c.f.s. of water from an underground source to be diverted within the NW1/4 NE1/4 Section 26, T.1N., R.46E., M.D.B.&M., and to be used for irrigation and domestic purposes on 320 acres within the N1/2 Section 26, T.1N., R.46E., M.D.B.&M.

Application 31544 was filed to appropriate 5.4 c.f.s. of water from an underground source to be diverted within the NW1/4 SE1/4 Section 24, T.1N., R.46E., M.D.B.&M., and to be used for irrigation and domestic purposes on 320 acres within the S1/2 Section 24, T.1N., R.46E., M.D.B.&M.

Application 31545 was filed to appropriate 5.4 c.f.s. of water from an underground source to be diverted within the NW1/4 SE1/4 Section 26, T.1N., R.46E., M.D.B.&M., and to be used for irrigation and domestic purposes on 320 acres within the S1/2 Section 26, T.1N., R.46E., M.D.B.&M.

Application 32609 was filed on June 30, 1977 by Daniel R. Walsh and J. H. Callahan to appropriate 5.4 c.f.s. of water from an underground source to be diverted within the NE1/4 NE1/4 Section 34, T.4N., R.48E., M.D.B.&M., and to be used for irrigation and domestic purposes on 320 acres within the NE1/4, NE1/4 SE1/4 Section 34; W1/2 NW1/4 and the NW1/4 SW1/4, Section 35, T.4N., R.48E., M.D.B.&M.

Application 32610 was filed on June 30, 1977 by Marguerite A. Walsh to appropriate 2.7 c.f.s. of water from an underground source to be diverted within the NE1/4 SE1/4 Section 4, T.3N., R.48E., M.D.B.&M., and to be used for irrigation and domestic purposes on 160 acres located within the E1/2 SE1/4 Section 4; NW1/4 SW1/4, Section 3 and the NW1/4 NE1/4 Section 9; T.3N., R.48E., M.D.B.&M.

Application 32611 was filed on June 30, 1977 by Mary Jean Fondi to appropriate 2.7 c.f.s. of water from an underground source to be diverted within the SW1/4 NW1/4 Section 3, T.3N., R.48E., M.D.B.&M., and to be used for irrigation and domestic purposes on 160 acres located within the NW1/4 Section 3, T.3N., R.48E., M.D.B.&M.

Application 32613 was filed on June 30, 1977 by Mary Coffey to appropriate 2.7 c.f.s. of water from an underground source to be diverted within the NW1/4 SE1/4, Section 34, T.4N., R.48E., M.D.B.&M., and to be used for irrigation and domestic purposes on 160 acres located within the E1/2 NW1/4, NW1/4 SE1/4 and the NE1/4 SW1/4, Section 34, T.4N., R.48E., M.D.B.&M. 1/

## II

Ground water recharge in Stone Cabin Valley is derived mainly from precipitation and runoff from the mountains. This annual recharge is approximately 16,000 acre-feet. 2/

## III

The perennial yield (the maximum amount of discharge that can be salvaged each year over the long term by pumping without bringing about some undesired result) is estimated to be 2000 acre-feet. 3/

## IV

The difference between the annual recharge and perennial yield is approximately 14,000 acre-feet. The difference is being discharged from Stone Cabin Valley as underflow into other basins. 4/ "Pumping from wells might not salvage much of this discharge unless the wells were drilled so as to intercept the discharge and unless pumping resulted in the removal of a substantial part of the ground water in storage at the south end of the area. To accomplish the required lowering of water levels in the valley fill, pumping lifts probably would have to be considerably in excess of present day economic pumping lifts for irrigation". 5/

## V

Total existing certificated water rights in Stone Cabin Valley amount to 3996.34 acre-feet per year. 6/

## VI

Applications 31532, 31533, 31534, 31535, 31536, 31537, 31538, 31539, 31540, 31541, 31542, 31543, 31544, 31545, 32609, 32610 32611 and 32613 are to irrigate approximately 5,280 acres without existing underground water rights. At a diversion rate of 4.0 acre-feet of water per acre per year, the total diversion would be 21,120 acre-feet of underground water per year.

VII

Should additional water be allowed for appropriation under the Applications 31532, 31533, 31534, 31535, 31536, 31537, 31538, 31539, 31540, 31541, 31542, 31543, 31544, 31545, 32609, 32610, 32611 and 32613 and should subsequent development of ground water pursuant thereto detrimentally affect prior ground water rights or surface water rights, the State Engineer is required by law to order withdrawals be restricted to conform to priority rights. 7/

CONCLUSIONS

I

The State Engineer has jurisdiction of the parties and the subject matter of this action. 8/

II

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. 9/

III

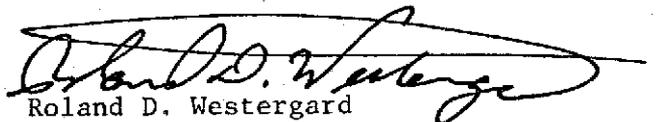
Existing water rights for ground water in Stone Cabin Valley exceed the estimated perennial yield for the Stone Cabin Valley ground water reservoir.

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

RULING

Applications 31532, 31533, 31534, 31535, 31536, 31537, 31538, 31539, 31540, 31541, 31542, 31543, 31544, 31545, 32609, 32610, 32611 and 32613 are herewith denied on the grounds that the appropriation of ground water 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,

  
Roland D. Westergard  
State Engineer

RDW/DMB/bl

Dated this 31st day

of AUGUST 1978.

FOOTNOTES

1. Public records located within the office of the State Engineer.
2. Ground Water Resources - Reconnaissance Series Report 12 "Ground-Water Appraisal of Ralston and Stone Cabin Valleys, Nye County, Nevada" prepared cooperatively by the State of Nevada, Department of Conservation and Natural Resources, and the U. S. Department of Interior, Geological Survey, 1962, pg. 11.
3. Reconnaissance Report 12, pg. 16.
4. Reconnaissance Report 12, pg. 13, 15, 16.
5. Reconnaissance Report 12, pg. 16.
6. Public records located within the office of the State Engineer.
7. NRS 534.110, subsection 3 and 6.
8. NRS 533.025 and NRS 533.030, subsection 1.
9. NRS 533.370, subsection 4.