

IN THE MATTER OF APPLICATIONS)
31811, 31812, 31813, 31814,)
32056, 32057, 34411, 34412,)
34413, 34414, 34415, 34711,)
35312, 36035 AND 36039 FILED)
TO APPROPRIATE UNDERGROUND)
WATER IN HONEY LAKE VALLEY,)
WASHOE COUNTY, NEVADA.)

R U L I N G

97

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 31811 was filed by Ronald Owens on May 24, 1977 to appropriate 2.7 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 4, T.27N., R.18E., M.D.M. and the place of use is 160 acres within Lots 1 and 2, S $\frac{1}{2}$ NE $\frac{1}{4}$ said Sec. 4.

Application 31812 was filed by Bobby Joe Cunningham on May 24, 1977 to appropriate 2.7 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ said Sec. 4, and the place of use is 160 acres within Lots 3 and 4, S $\frac{1}{2}$ NW $\frac{1}{4}$ said Sec. 4.

Application 31813 was filed by James D. Luttrell, III on May 24, 1977 to appropriate 2.7 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 5, T.27N., R.18E., M.D.M. and the place of use is 160 acres within Lots 1 and 2, S $\frac{1}{2}$ NE $\frac{1}{4}$ said Sec. 5.

Application 31814 was filed by Margaret Luttrell on May 24, 1977 to appropriate 2.7 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ said Sec. 5 and the place of use is 100 acres within Lots 3 and 4, SE $\frac{1}{4}$ NW $\frac{1}{4}$ said Sec. 5.

Application 32056 was filed by Gary Lee Tope on June 13, 1977 to appropriate 2.7 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 27, T.26N., R.18E., M.D.M. and the place of use is 160 acres within the NE $\frac{1}{4}$ said Sec. 27.

Application 32057 was filed by Clementine Tope on June 13, 1977 to appropriate 2.7 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 22, T.26N., R.18E., M.D.M. and the place of use is 120 acres within the W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ said Sec. 22.

Application 34411 was filed by Claude E. Ferrel on October 26, 1977 to appropriate 2.7 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 26, T.26N., R.18E., M.D.M. and the place of use is 160 acres within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 25, S $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 26, T.26N., R.18E., M.D.M.

Application 34412 was filed by Helen J. Ferrel on October 26, 1977 to appropriate 2.7 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ said Sec. 26 and the place of use is 160 acres within the S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ said Sec. 26.

Application 34413 was filed by Bruce C. Ferrel on October 26, 1977 to appropriate 2.7 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ said Sec. 26 and the place of use is 160 acres within the SW $\frac{1}{4}$ said Sec. 26.

Application 34414 was filed by Herbert E. Hillygus on October 26, 1977 to appropriate 2.7 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 27, T.26N., R.18E., M.D.M. and the place of use is 160 acres within the NW $\frac{1}{4}$ said Sec. 27.

Application 34415 was filed by Jack Horner on October 26, 1977 to appropriate 2.7 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ said Sec. 27 and the place of use is 160 acres within the SE $\frac{1}{4}$ said Sec. 27.

Application 34711 was filed by Ruby T. and John M. Gilligan on December 8, 1977 to appropriate 6 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 27, T.26N., R.18E., M.D.M. and the place of use is 160 acres within the SW $\frac{1}{4}$ said Sec. 27.

Application 35312 was filed by Dennis A. and Linda K. Wells on April 18, 1978 to appropriate 2.7 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 22, T.27N.,R.19E., M.D.M. and the place of use is 160 acres within the SE $\frac{1}{4}$ said Sec. 22.

Application 36035 was filed by Walt Ford on October 16, 1978 to appropriate 6 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 22, T.26N.,R.18E., M.D.M. and the place of use is 240 acres within the SE $\frac{1}{4}$ Sec. 22, W $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 23, T.26N.,R.18E., M.D.M.

Application 36039 was filed by Clemens M. and/or Patricia A. Hodges on October 16, 1978 to appropriate 2.7 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 10, T.26N.,R.19E., M.D.M. and the place of use is 160 acres within the SW $\frac{1}{4}$ said Sec. 10.

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/

CONCLUSIONS

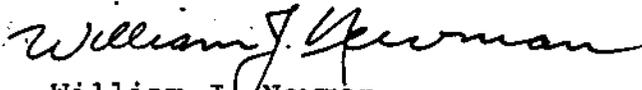
1. The State Engineer has jurisdiction of the parties and the subject matter of this action. 3/
2. The State Engineer is prohibited by law from granting a permit where:
 - A. There is no unappropriated water at the proposed source, or
 - B. The proposed use conflicts with existing rights, or
 - C. The proposed use threatens to prove detrimental to the public welfare. 4/

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 2380 acres and if permits were issued an additional 9520 acre-feet of ground water could be diverted annually.

RULING

Applications 31811, 31812, 31813, 31814, 32056, 32057, 34411, 34412, 34413, 34415, 34711, 35312, 36035 and 36039, 34414 are denied on the grounds that to grant additional water rights under the subject applications would conflict with existing rights and threaten to prove detrimental to the public welfare.

Respectfully submitted,



William J. Newman

State Engineer

WJN:jw

Dated this 4th day of

June, 1979.

FOOTNOTES

1. Water Resources - Reconnaissance Series Report No. 43, pages 2 and 49.
2. Public records located within the Office of the State Engineer.
3. NRS 533.025 and 533.030, subsection 1.
4. NRS 533.370, subsection 4.

STATE ENGINEER
DIVISION OF WATER RESOURCES
SALT LAKE CITY, UTAH