

IN THE MATTER OF APPLICATIONS 30710,)
31277, 31279, 31840, AND 35017 FILED)
TO APPROPRIATE WATER FROM AN UNDERGROUND)
SOURCE IN HUMBOLDT COUNTY, NEVADA.)

R U L I N G

70

INTRODUCTION

Applications 30710, 31277, 31279, 31840, and 35017 were filed to appropriate water from an underground source in the Winnemucca Segment, Humboldt County, Nevada.

Water Resources Bulletin No. 32, Hydrologic Reconnaissance of the Humboldt River Basin, Nevada, by Thomas E. Eakin and Robert D. Lamke, was prepared cooperatively by the Department of Conservation and Natural Resources and the U.S. Department of the Interior, Geological Survey. This report is available from the office of the State Engineer.

FINDINGS OF FACT

I

Application 30710 was filed by Nevada First Corporation on October 1, 1976, to appropriate 4.7 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 29, T.36N., R.40E., M.D.B. & M., and the place of use is 290 acres within portions of Sections 19, 20, 29, and 30, T.36N., R.40E., M.D.B. & M.

Application 31277 was filed by Roger Hockersmith on April 5, 1977, to appropriate 6.0 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 25, T.36N., R.39E., M.D.B. & M., and the place of use is 600 acres within the S $\frac{1}{2}$, NW $\frac{1}{4}$, and a portion of the NE $\frac{1}{4}$ of Section 25, T.36N., R.39E., M.D.B. & M.

Application 31279 was filed by Roger Hockersmith on April 5, 1977, to appropriate 6.0 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 23, T.36N., R.39E., M.D.B. & M., and the place of use is 640 acres within the S $\frac{1}{2}$, NW $\frac{1}{4}$ and a portion of the NE $\frac{1}{4}$ of Section 23, T.36N., R.39E., M.D.B. & M.

Application 31840 was filed by W. H. Mitchell on May 26, 1977, to appropriate 0.33 c.f.s. of underground water for irrigation purposes. The point of diversion is within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 26, T.35N., R.36E., M.D.B. & M., and the place of use is 20 acres within the W $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 26, T.35N., R.36E., M.D.B. & M.

Application 35017 was filed by Don C. Neilson, Jr., on February 21, 1978, to appropriate 1.0 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 33, T.35N., R.36E., M.D.B. & M., and the place of use is 40 acres within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 33, T.35N., R.36E., M.D.B. & M. 1/

II

By Order No. 534, dated May 6, 1975, the State Engineer designated and described the Winnemucca Segment Ground Water Basin under the provisions of NRS 534.030. 2/

III

Water Resources Bulletin No. 32 estimates the amount of water available for pumpage within the Winnemucca Segment Ground Water Basin to be 4,400 acre-feet per year.

IV

Certificates for underground withdrawals have been issued which could be exercised to divert 25,400 acre-feet of water per year from the Winnemucca Segment Ground Water Basin. Permits which have been granted could be used to develop an additional 15,200 acre-feet per year. The total water rights which have been granted exceed 40,000 acre-feet of water per year. 3/

V

Applications for irrigation purposes have been denied in the Winnemucca Segment Ground Water Basin. 4/

CONCLUSIONS

I

The State Engineer has jurisdiction of the parties and the subject matter of this action. 5/

II

The State Engineer is prohibited by law from granting a permit where:

- A. there is no unappropriated water in 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. 6/

III

If Applications 30710, 31277, 31279, 31840, and 35017 are granted, additional withdrawal and consumption would remove water from the ground water reservoir which:

- A. would not be replaced resulting in depletion of the ground water reservoir, or
- B. would be replaced by infiltrating surface water that would otherwise remain in or return to the stream system.

The additional withdrawal and consumption of underground water in excess of the natural recharge would, therefore, conflict with prior existing rights and threaten to prove detrimental to the public welfare.

IV

Existing certificated water rights exceed the estimated average annual recharge to the Winnemucca Segment Ground Water Basin. The potential exists for additional pumpage under existing ground water permits which have not yet been fully developed.

The State Engineer is authorized and directed to designate preferred uses of water within the respective area so designated by him such as the Winnemucca Segment Ground Water Basin. 7/ The consumptive use of ground water to irrigate additional land is not considered to be a preferred use of the limited ground water resources of the Winnemucca Segment Ground Water Basin.

RULING

Applications 30710, 31277, 31279, 31840, and 35017 are denied on the grounds that the appropriation of underground water for irrigation purposes, as applied for, would conflict with and tend to impair the value of existing rights and be detrimental to the public interest and welfare.

Respectfully submitted,

William J. Newman

William J. Newman
State Engineer

WJN/RWP/ja

Dated this 28th day

of NOVEMBER, 1979.

FOOTNOTES

1. Public records in the office of the State Engineer.
2. Public records in the office of the State Engineer.
3. Public records in the office of the State Engineer.
4. Public records in the office of the State Engineer. See denied Applications:

26024, 27405, 27406, 28018, 28143, 28354, 28355, 28360, 28507, 28508, 28509, 28510, 28511, 28512, 28513, 28514, 28515, 28516, 28605, 28606, 28607, 28609, 28610, 28611, 28612, 28613, 28614, 28615, 28616, 28694, 29001, 29071, 29550, 29629, 29752, 29943, 30082, and 30996.
5. NRS 533.025 and NRS 533.030, subsection 1.
6. NRS 533.370, subsection 4.
7. NRS 534.120, subsection 2.