

IN THE MATTER OF APPLICATION 37336)
FILED TO CHANGE THE POINT OF DIVERSION)
AND PLACE OF USE OF A PORTION OF WATER)
HERETOFORE APPROPRIATED IN THE DAYTON)
VALLEY, LYON COUNTY, NEVADA)

R U L I N G

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INTRODUCTION

Application 37336 was filed to change the point of diversion and place of use of a portion of water heretofore appropriated for irrigation and domestic purposes in the Dayton Valley, Stagecoach Subarea Ground Water Basin.

FINDINGS OF FACT

Application 37336 was filed March 29, 1979, by Louis D. Caso to change the point of diversion and place of use of 0.04 c.f.s., a portion of Permit 31041, for irrigation and domestic purposes. The new point of diversion of Application 37336 is within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 28, T.17N., R.22E., M.D.B. & M. The new place of use is 2 $\frac{1}{2}$ acres within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 28, T.17N., R.22E., M.D.B. & M. The existing point of diversion under Permit 31041 is within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 17, T.17N., R.23E., M.D.B. & M. 1/

CONCLUSIONS

I

The State Engineer has jurisdiction of the parties and the subject matter of this action. 2/

II

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

1. there is no unappropriated water at the proposed source, or
2. the proposed use or change conflicts with existing rights, or
3. the proposed use or change threatens to prove detrimental to the public interest. 3/

III

By Order No. 487, Dated January 22, 1973, the State Engineer designated and described the Dayton Valley Ground Water Basin under the provisions of NRS 534.

IV

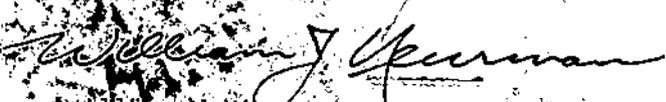
The existing point of diversion is within the topographically closed Stagecoach Subarea. The new point of diversion is within a different and distinct ground water reservoir in western Dayton Valley. Therefore, the proposed use will be diverting water from a different ground water reservoir than originally granted under Permit 31041.

Application 37336 proposes to withdraw underground water from the same area where previous applications for irrigation ground water have been denied. 4/ The granting of additional rights in this area where appropriations exceed the estimate of perennial yield would be detrimental to the public interest and tend to impair the value of existing rights. 5/

RULING

Application 37336 is denied on the grounds that the granting of additional water rights in a ground water basin in which existing rights exceed the estimates of perennial yield would impair the value of existing rights and be detrimental to the public interest.

Respectfully submitted,


William J. Newman
State Engineer

WJN/RWP/ja

Dated this 7th day

of JANUARY, 1980

FOOTNOTES

1. Public records in the office of the State Engineer.
2. NRS 533.025 and 533.030, Subsection 1.
3. NRS 533.370, Subsection 4.
4. Public records in the office of the State Engineer. See denied Applications 27387, 27404, 27420, 27443, 27546, 27702, 27804, 28200, 28431, 28941, 29965, 30328, 31176, 31806, 32904, 31390, 31391, 31803, 31857, 31858, 31859, 31860, 32085, 32837, 32838, 34802, and 34803.
5. Water Resources Reconnaissance Series Report 59, Water Resources Appraisal of the Carson River Basin, Western Nevada, by Patrick A. Glancy and T. L. Katzer, 1975, 126 pp.