

IN THE MATTER OF APPLICATIONS 32128,)
32375, 32376, 32377, 32378, 32379,)
32971, 32972, 32973, 36076 AND 36077)
FILED TO APPROPRIATE UNDERGROUND WATER)
IN GABBS VALLEY, MINERAL, NYE AND)
CHURCHILL COUNTIES, NEVADA)

R U L I N G

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INTRODUCTION

In 1962, Reconnaissance Series Report No. 9 "Ground Water Appraisal of Gabbs Valley, Mineral and Nye Counties, Nevada" by Thomas E. Eakin, was prepared cooperatively by the Nevada Department of Conservation and Natural Resources and the U. S. Department of the Interior, Geological Survey. This report may be viewed at the State Engineer's office.

FINDINGS OF FACT

I

Application 32128 was filed by Harley B. Jobe, Jr., on June 20, 1977 to appropriate 2.7 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 5, T.11N., R.34E., M.D.M., and the place of use is 160 acres within the W $\frac{1}{2}$ SE $\frac{1}{4}$ and E $\frac{1}{2}$ SW $\frac{1}{4}$ of said Section 5.

Application 32375 was filed by Bobby Richard Merritt on June 28, 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 $\frac{1}{4}$ Section 8, T.11N., R.34E., M.D.M., and the place of use is 160 acres within the SW $\frac{1}{4}$ of said Section 8.

Application 32376 was filed by Lynn Sype Verbeck on June 28, 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 $\frac{1}{4}$ Section 8, T.11N., R.34E., M.D.M., and the place of use is 160 acres within the NW $\frac{1}{4}$ of said Section 8.

Application 32377 was filed by Alberta Merritt on June 28, 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 $\frac{1}{4}$ Section 17, T.11N., R.34E., M.D.M., and the place of use is 160 acres within the NE $\frac{1}{4}$ of said Section 17.

Application 32378 was filed by Nathan L. Merritt, Jr., on June 28, 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 $\frac{1}{4}$ Section 8, T.11N., R.34E., M.D.M., and the place of use is 160 acres within the SE $\frac{1}{4}$ of said Section 8.

Application 32379 was filed by Carl Daniel Shaver on June 28, 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 $\frac{1}{4}$ Section 8, T.11N., R.34E., M.D.M., and the place of use is 160 acres within the NE $\frac{1}{4}$ of said Section 8.

Application 32971 was filed by William J. Bender on July 29, 1977 to appropriate 2.7 c.f.s. of underground water for irrigation purposes. The point of diversion is within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 5, T.11N., R.34E., M.D.M., and the place of use is 160 acres within the W $\frac{1}{2}$ W $\frac{1}{2}$ of said Section 5.

Application 32972 was filed by William J. Bender on July 29, 1977 to appropriate 2.7 c.f.s. of underground water for irrigation purposes. The point of diversion is within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 7, T.11N., R.34E., M.D.M., and the place of use is 160 acres within the SE $\frac{1}{4}$ of said Section 7.

Application 32973 was filed by William J. Bender on July 29, 1977 to appropriate 2.7 c.f.s. of underground water for irrigation purposes. The point of diversion is within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 7, T.11N., R.34E., M.D.M., and the place of use is 160 acres within the NE $\frac{1}{4}$ of said Section 7.

Application 36076 was filed by John F. Zillich on October 23, 1978 to appropriate 6.0 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 9, T.11N., R.34E., M.D.M., and the place of use is 160 acres within the NW $\frac{1}{4}$ of said Section 9.

Application 36077 was filed by Bernice E. Zillich on October 23, 1978 to appropriate 6.0 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 9, T.11N., R.34E., M.D.M., and the place of use is 160 acres within the SW $\frac{1}{4}$ of said Section 9.

II

The perennial yield from the Gabbs Valley ground water reservoir is estimated by the U. S. Geological Survey to be 5000 acre-feet of water per year. 1/

III

Permits and certificates have been issued in Gabbs Valley that could be used to withdraw over 14,600 acre-feet of ground water per year. 2/

IV

Applications 32128, 32375, 32376, 32377, 32378, 32379, 32971, 32972, 32973, 36076 and 36077 are to appropriate underground water in an area of concentrated existing water rights. These applications are for irrigation of land that is contiguous to existing patented land with irrigation rights.

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 Gabbs Valley exceed the estimated perennial yield for the Gabbs Valley ground water reservoir. These applications are to irrigate an additional 1760 acres and if permits were issued an additional 7040 acre-feet of ground water could be diverted annually.
4. These applications are to divert and appropriate underground water on land adjacent to and near land with existing water rights. The largest part of the existing underground water rights in Gabbs Valley is in the area of these applications and to allow these additional diversions would contribute to and accelerate declining water levels in this area of limited recharge to the ground water reservoir.

RULING

Applications 32128, 32375, 32376, 32377, 32378, 32379, 32971, 32972, 32973, 36076 and 36077 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/JC/bc

Dated this 2nd day of
JULY, 1981.

FOOTNOTES

1. Water Resources - Reconnaissance Series Report No. 9.
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.