

IN THE MATTER OF APPLICATIONS)
43587, 43588, 43589, 43590)
AND 43591 FILED FOR THE WATERS)
OF AN UNDERGROUND SOURCE IN)
DIXIE VALLEY, CHURCHILL COUNTY,)
NEVADA)

R U L I N G

128

INTRODUCTION

Application 43587 was filed on April 24, 1981 by John D. Dearing to appropriate 6.684 c.f.s. of the waters of an underground source to be diverted within the SW1/4 SW1/4 of Section 23, T.20N., R.34E., M.D.B.&M. and to be used for the irrigation of 256 acres within the E1/2 SE1/4 Section 22, S1/2 SW1/4 and the S1/2 W1/2 SE1/4 Section 23, T.20N., R.34E., M.D.B.&M.

Application 43588 was filed on April 24, 1981 by John D. Dearing to appropriate 6.684 c.f.s. of the waters of an underground source to be diverted within the NE1/4 SW1/4 of Section 23, T.20N., R.34E., M.D.B.&M. and to be used for the irrigation of 280 acres within the SE1/4 NE1/4 of Section 22, N1/2 SW1/4, NW1/4 SE1/4, S1/2 NW1/4, SW1/4 NE1/4, Section 23, T.20N., R.34E., M.D.B.&M.

Application 43589 was filed on April 24, 1981, by John D. Dearing to appropriate 6.684 c.f.s. of the waters of an underground source to be diverted within the NW1/4 NW1/4 of Section 23, T.20N., R.34E., M.D.B.&M. and to be used for the irrigation of 280 acres within the S1/2 SW1/4, SW1/4 SE1/4 of Section 14, NE1/4 NE1/4 of Section 22, N1/2 NW1/4, NW1/4 NE1/4, Section 23, T.20N., R.34E., M.D.B.&M.

Application 43590 was filed on April 24, 1981 by John D. Dearing to appropriate 6.684 c.f.s. of the waters of an underground source to be diverted within the NW1/4 SW1/4 of Section 14, T.20N., R.34E., M.D.B.&M.; and to be used for the irrigation of 320 acres within the E1/2 SE1/4 Section 15, N1/2 SW1/4, NW1/4 SE1/4, S1/2 NW1/4, SW1/4 NE1/4, Section 14, T.20N., R.34E., M.D.B.&M.

Application 43591 was filed on April 24, 1981 by John D. Dearing to appropriate 6.684 c.f.s. of the waters of an underground source to be diverted within the NW1/4 NW1/4 Section 14, T.20N., R.34E., M.D.B.&M. and to be used for the irrigation of 200 acres within the E1/2 NE1/4 Section 15, the N1/2 NW1/4 and the NW1/4 NE1/4 Section 14, T.20N., R.34E., M.D.B.&M.

In 1963, Ground-Water Resources-Reconnaissance Series Report 23, "A Brief Appraisal of the Ground-Water Hydrology of the Dixie-Fairview Valley Area, Nevada" by Philip Cohen and D. E. Everett, was prepared cooperatively by the Department of Conservation and Natural Resources, Division of Water Resources and the U. S. Department of the Interior, Geological Survey. This report can be viewed at the office of the State Engineer.

I

The source of water to be used to reclaim lands described in applications listed under Introduction is water from an underground source within Dixie Valley Ground Water Basin, Churchill County, Nevada.1/

II

The proposed points of diversion for water supply for the applications listed under Item I all lie within an area of concentrated irrigation rights in the southern portion of Dixie Valley south of the Humboldt Salt Marsh. Existing ground water irrigation rights in this concentrated area presently total approximately 9,500 acre-feet per year.2/

III

Estimates of potential ground-water recharge to this area are approximately 9500 acre-feet per year.3/ This figure includes recharge from Fairview, Eastgate, Cowkick, and Stingerree Valleys and approximately one-half of the recharge to Dixie Valley.

IV

The estimated water requirements for the applications listed in Item I are approximately 5,120 acre-feet per year.

V

Should additional water be allowed for appropriation for the reclamation of lands described under the applications listed under Item I in the concentrated area described and subsequent development of ground water pursuant thereto detrimentally affect prior ground water rights, the State Engineer is required by law to order withdrawals be restricted to conform to priority rights.

CONCLUSIONS

1. The State Engineer has jurisdiction under NRS 324.130.4/
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.5/
3. If subject applications were reported on favorably, additional lands would be irrigated. This would result in additional consumptive use by farmland irrigation. The additional withdrawals and consumption would remove water from the ground water reservoir which would not be replaced resulting in depletion of the ground water reservoir. The additional withdrawals and consumption of underground

water for irrigation would therefore, conflict with existing rights and threaten to prove detrimental to the public welfare.

RULING

Applications 43587, 43588, 43589, 43590 and 43591 are hereby denied on the grounds that their granting would tend to impair the value of existing rights and be otherwise detrimental to the public welfare.

Respectfully submitted,



Peter G. Morros
State Engineer

PGM/GMT/kc

Dated this 1st day of
September, 1981.

FOOTNOTES

1. Public Records in the Office of the State Engineer.
2. Public Records in the Office of the State Engineer.
3. U.S.G.S. Reconnaissance Series Report 23, "A Brief Appraisal of the Ground-Water Hydrology of the Dixie-Fairview Valley, Area, Nevada", 1963, p. 18 and table 3.
4. NRS 324.130.
5. NRS 533.370, subsection 4.