

IN THE MATTER OF APPLICATION 43127)
FILED TO APPROPRIATE THE WATERS OF)
AN UNDERGROUND SOURCE IN FISH LAKE)
VALLEY, ESMERALDA COUNTY, NEVADA)

R U L I N G

INTRODUCTION

Application 43127 was filed on January 21, 1981 by William S. Wright, Jr., to appropriate 1.34 c.f.s. of the waters of an underground source to be diverted within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 4, T.4S., R.36E., M.D.B.&M., and to be used for the irrigation of 48.4 acres within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 4, and a portion of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 10, T.4S., R.36E., M.D.B.&M. Under Remarks in the application, it is stated: "This is a refiling on forfeited Permit 17728".

In 1973 Water Resources - Reconnaissance Series Report #58, "Water Resources Appraisal of Fish Lake Valley, Nevada and California", by F. Eugene Rush and T. L. Katzer, was prepared cooperatively by the Geological Survey, U. S. Department of the Interior. This report is available from the State Engineer's office.

FINDINGS OF FACT

I

Permit 17728, Certificate 6071, was issued for the diversion of 1.34 c.f.s. from an underground source within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 6, T.4S., R.36E., M.D.B.&M., to be used for the irrigation of 48.4 acres within a portion of the S $\frac{1}{2}$ SE $\frac{1}{4}$ of Said Section 6. This water right was declared forfeited on January 9, 1981. 1/

II

Application 43127 was filed to appropriate water from an underground source within the Fish Lake Valley Ground Water Basin, Esmeralda County, Nevada, as designated and described by Order of the State Engineer issued February 10, 1978. 2/

III

Ground water recharge in the Fish Lake Valley area is derived primarily from precipitation on and runoff from the mountains. 3/ The perennial yield (the maximum amount of natural discharge that can be salvaged each year over the long term by pumping without bringing about some undesired result) is estimated to be 30,000 acre-feet. 4/

IV

The estimated consumption of ground water in Fish Lake Valley for 1970 was 14,000 acre-feet. Of this, around 2,400 acre-feet was consumed in California. 5/ Since 1970, the Nevada State Engineer has issued permits to appropriate an additional 20,000 acre-feet per year. Total existing rights to appropriate underground water in the Nevada portion of Fish Lake Valley amount to 45,548 acre-feet per year. 6/

V

There is potential for additional ground water development in the California portion of Fish Lake Valley.

VI

Should additional water be allowed for appropriation under Application 43127 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. 7/

CONCLUSIONS

1. The State Engineer has jurisdiction under NRS 533.025 and 533.030, subsection 1. 8/
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. 9/
3. If subject application was approved, 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. 10/
4. Application 43127 is clearly not a refiling on forfeited Permit 17728 as the land formerly irrigated under forfeited Permit 17728 is the subject of an approved subdivision called Fish Lake Valley Ranchos. 11/

RULING

Application 43127 is herewith denied on the grounds that the appropriation of additional ground water for irrigation 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/TJS/bc

Dated this 15th day of
OCTOBER, 1981.

FOOTNOTES

1. Public Records in the office of the State Engineer.
2. NRS 534.030.
3. Water Resources - Reconnaissance Series Report #58, pp. 10.
4. Water Resources - Reconnaissance Series Report #58, pp. 45.
5. Water Resources - Reconnaissance Series Report #58, Table 12.
6. Public Records in the office of the State Engineer.
7. NRS 534.110, subsections 3 and 6.
8. NRS 533.025 and 533.030, subsection 1.
9. NRS 533.370, subsection 4.
10. NRS 534.120, subsection 2.
11. Public Records in the office of the State Engineer.