

IN THE MATTER OF APPLICATION 44598)
TO APPROPRIATE UNDERGROUND WATER)
FROM BUENA VISTA VALLEY, PERSHING)
COUNTY, NEVADA)

R U L I N G

INTRODUCTION

Water Resources Bulletin No. 13, "Geology and Ground-Water Resources of Buena Vista Valley, Pershing County, Nevada" by O. J. Loeltz and D. A. Phoenix was prepared cooperatively by the U. S. Geological Survey and the office of the State Engineer. A copy of this report is available for review in the State Engineer's office.

FINDINGS OF FACT

I

Application 44598 was filed on October 7, 1981 by George J. Lacko to appropriate 2.7 c.f.s. of the waters of an underground source to be diverted within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 29, T.30N.; R.35E., M.D.B. & M. to be used for the irrigation of 166.95 acres more or less in the N $\frac{1}{2}$ N $\frac{1}{2}$ of Section 29, T.30N.; R.35E., M.D.B. & M.

II

An estimate of the annual recharge to the ground water reservoir in Buena Vista Valley is about 10,000 acre-feet. 1/

III

Existing irrigation rights in Buena Vista Valley could be used to withdraw over 25,000 acre-feet of ground water per year when fully developed, and an additional 13,000 acre-feet of ground water could be developed in rights for mining purposes. 2/

IV

The estimated water requirement for Application 44598 is approximately 668 acre-feet per year.

V

Applications 39535 through 39549 inclusive, Applications 42844, 42845 and Applications 43237 and 43238 for irrigation purposes in Buena Vista Valley were denied by the State Engineer's Ruling No. 2741 dated January 29, 1982. 2/

VI

Should additional water be allowed for appropriation for the irrigation of lands described in Item I and subsequent development of ground water thereto detrimentally affect prior ground water rights, the State Engineer is

required by law to order that withdrawals be restricted to conform to priority rights. 3/

CONCLUSIONS

1. The State Engineer has jurisdiction of the parties and the subject matter of this action. 4/
2. The State Engineer is prohibited by law from granting a permit where:
 - a. there is no unappropriated water at the 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 the subject applications were granted, 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

Application 44598 is hereby denied on the grounds that its 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/KN/dh

Dated this 9th day of
April, 1982.

FOOTNOTES

1. Water Resources Bulletin No. 13, pp. 26-27.
2. State Engineer's Ruling No. 2741.
3. NRS 534.110, subsections 3 and 6.
4. NRS 533.025 and 533.030, subsection 1.
5. NRS 533.370.