

IN THE MATTER OF APPLICATIONS 32338,)
32359, 32360, 32572, 32573, 32574,)
32575 and 32576 FILED TO APPROPRIATE)
THE WATERS OF AN UNDERGROUND SOURCE IN)
DIXIE VALLEY, CHURCHILL COUNTY, NEVADA)

R U L I N G

INTRODUCTION

In 1963, Water Resources - Reconnaissance Series Report No. 23, "A Brief Appraisal of the Ground - Water Hydrology of the Dixie - Fairview Valley Area, Nevada," was prepared cooperatively by the U.S. Geological Survey, U.S. Department of the Interior, and the Nevada Department of Conservation and Natural Resources. This report can be viewed at the Office of the State Engineer.

FINDINGS OF FACT

I.

Application 32338 was filed by Ellen M. Wolpert on June 27, 1977 to appropriate 2.7 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the SE $\frac{1}{4}$ NW $\frac{1}{2}$ of Section 25, T. 17 N, R. 36 E, M.D.B. & M., and the place of use is 160 acres within the NW $\frac{1}{2}$ of Section 25, T. 17 N, R. 36 E, M.D.B. & M.

Application 32359 was filed by Debra L. Fitzpatrick 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 $\frac{1}{4}$ NW $\frac{1}{2}$ of Section 24, T. 17 N, R. 36 E, M.D.B. & M., and the place of use is 160 acres within the NW $\frac{1}{2}$ of Section 24, T. 17 N, R. 36 E, M.D.B. & M.

Application 32360 was filed by Ted L. Fitzpatrick 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 $\frac{1}{4}$ of Section 24, T. 17 N, R. 36 E, M.D.B. & M., and the place of use is 160 acres within the SW $\frac{1}{2}$ of Section 24, T. 17 N, R. 36 E, M.D.B. & M.

Application 32572 was filed by Robin K. Monroe on June 30, 1977 to appropriate 2.7 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 22, T. 17 N, R. 33 E, M.D.B. & M., and the place of use is 160 acres within the NE $\frac{1}{2}$ of Section 22, T. 17 N, R. 33 E, M.D.B. & M.

Application 32573 was filed by Robert T. Monroe, Jr. on June 30, 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 $\frac{1}{2}$ of Section 22, T. 17 N, R. 33 E, M.D.B. & M., and the place of use is 160 acres within the NW $\frac{1}{2}$ of Section 22, T. 17 N, R. 33 E, M.D.B. & M.

Application 32574 was filed by Ethel J. Monroe on June 30, 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 $\frac{1}{4}$ of Section 22, T. 17 N, R. 33 E, M.D.B. & M., and the place of use is 160 acres within the SW $\frac{1}{4}$ of Section 22, T. 17 N, R. 33 E, M.D.B. & M.

Application 32575 was filed by Robert T. Monroe III on June 30, 1977 to appropriate 2.7 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 22, T. 17 N, R. 33 E, M.D.B. & M., and the place of use is 160 acres within the SE $\frac{1}{4}$ of Section 22, T. 17 N, R. 33 E, M.D.B. & M.

Application 32576 was filed by Mary Jane Monroe on June 30, 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 $\frac{1}{4}$ of Section 26, T. 17 N, R. 33 E, M.D.B. & M., and the place of use is 160 acres within the NW $\frac{1}{4}$ of Section 26, T. 17 N, R. 33 E, M.D.B. & M.

II.

Applications 32338, 32359 and 32360 were filed to appropriate water from an underground source within the Eastgate Valley Ground Water Basin. Applications 32572, 32573, 32574, 32575 and 32576 were filed to appropriate water from an underground source within the Fairview Valley Ground Water Basin. These two basins were designated by State Engineer Order 715 on June 8, 1978. The basins were designated in conjunction with the Dixie Valley Ground water Basin as ground water basins in need of additional administration as set forth under NRS Chapter 534. 1/

III.

The southern portion of Dixie Valley is an area with a concentration of irrigation water rights. The southern portion of Dixie Valley is that portion which is south of Humboldt Salt Marsh. Existing ground water rights in this concentrated area presently total approximately 11,303 acre-feet per year. 2/

IV.

Estimates of potential ground water recharge to this area are approximately 9,500 acre-feet per year. This estimate includes approximately 6,100 acre-feet per year of water which moves in the subsurface from Eastgate, Cowkick, Stingaree and Fairview to the southern portion of Dixie Valley. 3/

V.

Fairview Valley has an estimated recharge from precipitation of 500 acre-feet per year and 100% of this recharge is assumed to move in the subsurface to Dixie Valley. 3/

VI.

Eastgate, Cowkick and Stingaree Valleys have an estimated recharge from precipitation of 6,000 acre-feet per year with 5,600 acre-feet of this recharge moving subsurface to Dixie Valley. 3/, supra.

VII.

Previous denials of 95 applications for water rights for irrigation purposes within the southern portion of Dixie Valley have been denied by the State Engineer. 4/

VIII.

The 95 previous denials of irrigation water right applications in the southern portion of Dixie Valley were based on the conclusion that additional appropriation of the underground water source in the concentrated area of southern Dixie Valley would tend to impair the value of existing rights and be otherwise detrimental to the public interest and welfare. 4/, supra.

CONCLUSIONS

The State Engineer has jurisdiction of the parties and the subject matter of this action. 5/

II.

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. 6/

III.

Eastgate and Fairview Valleys are hydraulically connected to the southern portion of Dixie Valley.

IV.

The major portion of recharge within the Eastgate and Fairview Valleys' discharges to the southern portion of Dixie Valley.

V.

Water rights existing in the southern portion of Dixie Valley exceed the estimated recharge. The majority of this recharge is derived from subsurface underground water flows from Eastgate and Fairview Valleys.

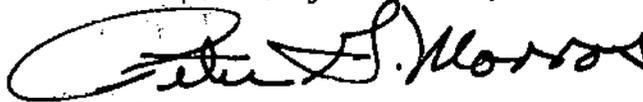
VI.

If Applications 32338, 32359, 32360, 32572, 32573, 32574, 32575 and 32576 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 these ground water reservoirs which would not be replaced, resulting in a depletion of the recharge to the southern portion of Dixie Valley. 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 32338, 32359, 32360, 32572, 32573, 32574, 32575 and 32576 are hereby denied on the grounds that granting this appropriation of water for irrigation purposes would deplete the recharge of underground waters in the concentrated area of Dixie Valley and tend to impair the value of existing rights and be otherwise detrimental to the public welfare.

Respectfully submitted,



PETER G. MORROS,
State Engineer

PGM/GB*jm

DATED: This 1st day of
March, 1984.

FOOTNOTES

1. State Engineer's Order 715.
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, Page 18, 25, Table 33 and Table 5.
4. State Engineer Rulings 2526 and 2711.
5. NRS 533.025 and NRS 533.030, subsection 1.
6. NRS 533.370, subsection 3.