

IN THE MATTER OF APPLICATIONS 32502)
AND 32503 FILED TO APPROPRIATE THE)
PUBLIC WATERS OF AN UNDERGROUND)
SOURCE WITHIN THE EASTGATE VALLEY)
(DIXIE VALLEY) GROUND WATER BASIN)
IN CHURCHILL COUNTY NEVADA.)

RULING

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 32502 was filed on June 30, 1977, by Martin D. Weisz to appropriate 2.7 c.f.s. of water from an underground source for irrigation purposes on 160 acres of land within the SE1/4 Section 13, T.17N., R.36E., M.D.B.&M. The point of diversion is described as being within the SE1/4 Section 13, T.17N., R.36E., M.D.B.&M.¹

Application 32503 was filed on June 30, 1977, by Ama McGowan to appropriate 2.7 c.f.s. of water from an underground source for irrigation purposes on 160 acres of land within the NE1/4 Section 24, T.17N., R.36E., M.D.B.&M. The point of diversion is described as being within the SE1/4 NE1/4 Section 24, T.17N., R.36E., M.D.B.&M.¹

II.

Applications 32502 and 32503 were filed to appropriate water from an underground source within the Eastgate Valley Ground Water Basin. This basin was designated by State Engineer's Order 715 on June 8, 1978. The basin was 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 534.²

¹ Public record in the office of the State Engineer under Applications 32502 and 32505.

² State Engineer's Order 715, public record in the office of the State Engineer.

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.³

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.⁴

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.⁴

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.⁴

VII.

Previous denials of 105 applications for water rights for irrigation purposes within the southern portion of Dixie Valley have been denied by the State Engineer.⁵

VIII.

The 105 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.⁵

³ Public records in the office of the State Engineer.

⁴ U.S.G.S. Reconnaissance Series Report 23, "A Brief Appraisal of the Ground-Water Hydrology of the Dixie - Fairview Valley Area, Nevada", 1963, pages 18, 25, Table 33 and Table 5.

⁵ State Engineer's Rulings 2526 and 2711.

CONCLUSIONS

I.

The State Engineer has jurisdiction of the parties and the subject matter of this action.⁶

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.⁷

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 32502 and 32503 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.

⁶ NRS 533.025 and NRS 533.030, subsection 1.

⁷ NRS 533.370, subsection 3.

RULING

Applications 32502 and 32503 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/BD/bl

Dated this 13th day of
AUGUST, 1984.