

IN THE MATTER OF APPLICATIONS 33367,)
33368, 33369 AND 33370 FILED FOR THE)
WATERS DRAIN DITCHES IN SMITH VALLEY,)
LYON COUNTY, NEVADA)

R U L I N G

107

Applications 33367, 33368, 33369, and 33370 were filed on August 26, 1977, by Double J-A Land & Livestock Co., to appropriate the waters of Drain Ditches.

Application 33367 seeks to appropriate 6.0 c.f.s., to be diverted within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 24, T.11N., R.23E., M.D.B. & M., and to be used to irrigate 1,070 acres located within portions of Sections 13 and 24, T.11N., R.23E., and portions of Sections 7, 18 and 19, T.11N., R.24E.

Application 33368 seeks to appropriate 6.0 c.f.s., to be diverted within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 13, T.11N., R.23E., M.D.B. & M., and to be used to irrigate 1,070 acres described in Application 33367.

Application 33369 seeks to appropriate 6.0 c.f.s., to be diverted within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 7, T.11N., R.24E., M.D.B. & M., and to be used to irrigate 380 acres of land located within portions of Section 7 and 18, T.11N., R.24E.

Application 33370 seeks to appropriate 6.0 c.f.s., to be diverted within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 18, T.11N., R.24E., M.D.B. & M., and to be used to irrigate 1,070 acres as described in Application 33367.

In 1976, Water Resources Bulletin No. 43, "Geohydrology of Smith Valley, Nevada with Special Reference to the Water-Use Period, 1953-72" by P.E. Rush and C.V. Schroer was prepared cooperatively by the Nevada Department of Conservation and Natural Resources, Division of Water Resources and the United States Department of the Interior, Geological Survey. This report is available in the State Engineer's Office.

FINDINGS OF FACT

I

The West Walker River is a gaining river below diversion canals in Smith Valley and serves as a drain for the irrigated farmlands. There is an estimated 30,000 acre-feet per year of return ground water and tail water flow to the West Walker River in Smith Valley. 1/

II

Surface water appropriations and rights under Decree C-125 2/ from the West Walker River System far exceed the average annual flow of 179,000 acre-feet measured at Hoyer Canyon from 1958 to 1972. 3/

III

Applications to appropriate additional surface water from the Walker River System have been denied on the grounds that their granting would tend to impair the value of existing rights, there is no unappropriated water in the source and

the granting of the proposed appropriations would be detrimental to the public welfare. 4/

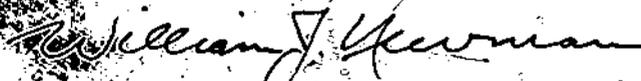
CONCLUSIONS

If these applications were granted, the water appropriated there under would be intercepted return flow to the Walker River System and would therefore adversely affect downstream rights.

RULING

Applications 33367, 33368, 33369, and 33370 are hereby denied on the grounds that their granting would tend to impair the value of existing rights and would therefore be detrimental to the public welfare.

Respectfully submitted,



William J. Newman
State Engineer

Dated this 9th day of

January, 1979.

WJN/TJS/jv

FOOTNOTES

1. Water Resources Bulletin No. 43, pp. 60 and 61.
2. Public records located within the State Engineer's Office and United States v. Walker River Irrigation District et al, United States District Court for the District of Nevada, Equity No. C-125 as Amended by the Order of the Honorable A.F. St. Sure, Dated April 24, 1940, Hereafter called Decree C-125
3. Water Resources Bulletin No. 43, pp. 39 and 23.
4. Public records located within the State Engineer's Office. See denied Applications 30095 and 30096.