

IN THE MATTER OF APPLICATIONS 33133,)
33135, 33698 AND 33699 TO APPROPRIATE)
WATER FROM AN UNDERGROUND SOURCE IN)
THE FERNLEY AREA, NEVADA)

R U L I N G

INTRODUCTION

Applications 33133, 33135, 33698 and 33699 were filed to appropriate underground water in the Fernley Area for irrigation purposes.

In 1963, Water Resources Bulletin No. 17, "Ground Water Conditions in the Fernley-Wadsworth Area, Churchill, Lyon, Storey and Washoe Counties, Nevada", by W. C. Sinclair and O. J. Loeltz was prepared cooperatively by the Nevada Department of Conservation and Natural Resources and the Geological Survey, U. S. Department of the Interior. A copy of this report may be viewed in the office of the State Engineer.

FINDINGS OF FACT

I

Application 33133 was filed by Clifford M. Moore on August 12, 1977, to appropriate 6.0 c.f.s., of underground water for irrigation and domestic purposes. The point of diversion is within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 28, T.20N., R.25E., M.D.B. & M., and the place of use is 147 acres within the NW $\frac{1}{4}$ of Section 28, T.20N., R.25E., M.D.B. & M.

Application 33135 was filed by Deborah Darlyne Dillard on August 12, 1977, to appropriate 2.7 c.f.s., of underground water for irrigation and domestic purposes. The point of diversion is within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 2, T.20N., R.24E., M.D.B. & M., and the place of use is 160 acres within the NE $\frac{1}{4}$ of Section 2, T.20N., R.24E., M.D.B. & M.

Application 33698 was filed by Frank and Anne C. Adams on September 22, 1977, to appropriate 5.4 c.f.s., of underground water for irrigation and domestic purposes. The point of diversion is within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 22, T.20N., R.24E., M.D.B. & M., and the place of use is 320 acres within the N $\frac{1}{2}$ of Section 22, T.20N., R.24E., M.D.B. & M.

Application 33699 was filed by John R. and Linda Ann Adams on September 22, 1977, to appropriate 5.4 c.f.s., of underground water for irrigation and domestic purposes. The point of diversion is within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 22, T.20N., R.24E., M.D.B. & M., and the place of use is 320 acres within the S $\frac{1}{2}$ of Section 22, T.20N., R.24E., M.D.B. & M. 1/

II

The Fernley Area was designated on December 30, 1977 by the State Engineer as a ground water basin coming under the provisions of Chapter 534 NRS.

III

The recharge from precipitation to the Fernley Area ground water reservoir is estimated by the U. S. Geological Survey to be 500 acre-feet of water per year. Irrigation water also recharges the ground water reservoir but recharge from irrigation is estimated to be less than 10,000 acre-feet per year. 2/

IV

Water rights have been issued in the Fernley Area which could be developed to divert as much as 21,000 acre-feet of underground water per year. 3/ Applications 33133, 33135, 33698 and 33699 are to irrigate an additional 947 acres of land or to appropriate an additional 3788 acre-feet of underground water per year.

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 proposed 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. Existing water rights for ground water in the Fernley Area exceed the estimated recharge to the ground water reservoir.

To grant additional water rights under the subject applications would conflict with existing rights and threaten to prove detrimental to the public welfare.

4. The potential exists for additional development of the Fernley Area ground water reservoir. Continuing urbanization of the area indicates pumpage will increase.

To grant additional water rights for irrigation from the Fernley Area ground water reservoir under the subject applications, would overcommit this limited natural resource, conflict with existing rights, and threaten to prove detrimental to the public welfare.

5. The State Engineer is authorized and directed to designate preferred uses of water within designated ground water areas such as the Fernley area. 6/ The consumptive use of additional ground water to irrigate additional land or to more intensively or frequently irrigate other land is not considered to be a preferred use of the limited water resources of the Fernley Area ground water reservoir.

6. Applications to appropriate ground water for irrigation purposes have been denied in the Fernley area. 7/

RULING

Applications 33133, 33135, 33698 and 33699 are denied on the grounds that the granting of underground water rights to irrigate additional land within the designated Fernley Area would conflict with existing rights and be detrimental to the public interest in this area where appropriations exceed estimates of recharge to the ground water reservoir.

Respectfully submitted,



William J. Newman
State Engineer

WJN/RWP/bc

Dated this 18th day
of August, 1980.

FOOTNOTES

1. Public records located within the office of the State Engineer.
2. Water Resources - Bulletin No. 17, Page AA 10.
3. Public records located within the office of the State Engineer.
4. NRS 533.025 and 533.030, subsection 1.
5. NRS 533.370, subsection 4.
6. NRS 534.120, subsection 2.
7. See denied Applications: 30616, 30617, 30851, 30852, 30864, 32710, 32711, 32932, 32933, 32951, 32952, 33054 and 33872.