

IN THE MATTER OF APPLICATION 30719)
FILED BY JAMES W. AND RICHARD G.)
WHITNEY TO APPROPRIATE WATER FROM)
AN UNDERGROUND SOURCE IN DAYTON)
VALLEY, LYON COUNTY, NEVADA)

RULING

103

GENERAL:

Application 30719 was filed on October 7, 1976 by James W. and Richard G. Whitney to appropriate 5.5 CFS of water from an underground source for quasi-municipal and domestic purposes. The proposed point of diversion is described as within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 2, T.17N., R.23E., MDM. The place of use is described as within a portion of Section 1 North of U.S. Highway 50, all of Section 2, and all of sections 35 and 36, all in T.18N., R.23E., MDM.

The proposed point of diversion and place of use under Application 30719 are located within the Stagecoach Sub-area of the Dayton Valley Groundwater Basin as designated by the State Engineer by Order No. 487 dated January 22, 1973.

Water - Resources Reconnaissance Report 59 (1975), "Water Resource Appraisal of the Carson River Basin, Western Nevada" by Patrick A. Glancy and T.L. Katzer was prepared cooperatively by the Nevada Department of Conservation and Natural Resources, Division of Water Resources and the United States Geological Survey. This report is available in the office of the State Engineer.

The above referenced Report 59 estimates 7,900 acre-feet of potential annual recharge to the Dayton Valley Groundwater Basin. Application 30719 requests permission to appropriate 5.5 CFS of water from an underground totaling approximately 3,619 acre-feet per annum which is 45.8 percent of the total annual recharge.

U.S. Geological Survey and Nevada Division of Water Resources estimates of annual recharge to the Stagecoach Sub-area of the Dayton Valley Groundwater Basin total 600 acre-feet.

Permits have been granted in excess of the annual recharge within both the Stagecoach Sub-area and the Dayton Valley Groundwater Basin.

The State Engineer is prohibited under the provisions of NRS 533.370 subsection 4 from granting a permit where:

- A. There is no unappropriated water at the proposed source or;

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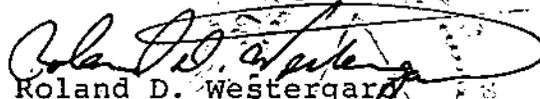
- B. The proposed use conflicts with existing rights or;
- C. The proposed use threatens to prove detrimental to the public welfare.

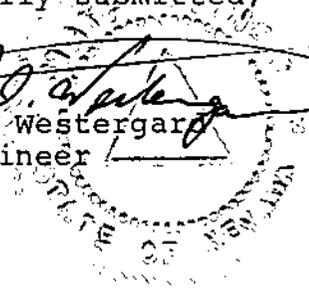
The volume of water applied for and requested under Application 30719 from the limited recharge to the Stagecoach Sub-area in the Dayton Valley Groundwater Basin would tend to conflict with existing prior rights and threaten to prove detrimental to the public welfare.

RULING

Application 30719 is herewith denied on the grounds that the granting of the proposed appropriation would tend to impair the value of existing rights and threaten to be detrimental to the public welfare.

Respectfully submitted,


Roland D. Westergard
State Engineer



RDW/WN/jew

Dated this 25th day
of July 1977.