

IN THE MATTER OF APPLICATIONS
30619, 30620, 30621, 30773 AND
30885 TO APPROPRIATE WATER FROM
AN UNDERGROUND SOURCE IN THE
IMLAY AREA, HUMBOLDT RIVER BASIN,
PERSHING COUNTY, NEVADA.

R U L I N G

INTRODUCTION

Applications 30619, 30620, 30621, 30773 and 30885 were filed to appropriate underground water for irrigation purposes in the Imlay area of the Humboldt River Basin.

Ground-Water Resources-Reconnaissance Series Report 5, "Ground-Water Appraisal of The Imlay Area, Humboldt River Basin, Pershing County, Nevada" by Thomas E. Eakin was prepared cooperatively by the Nevada Department of Conservation and Natural Resources and the U. S. Department of the Interior, Geological Survey in 1962.

Water Resources Bulletin No. 32, "Hydrologic Reconnaissance of the Humboldt River Basin, Nevada" by Thomas E. Eakin and Robert D. Lamke was prepared cooperatively by the Nevada Department of Conservation and Natural Resources and the U. S. Department of the Interior Geological Survey in 1966.

Copies of these reports may be viewed in the Office of the State Engineer.

A hearing before the State Engineer in the matter of Applications 30619, 30620, 30621, 30773 and 30885 was held in the Pershing County Court House, Lovelock, Nevada on June 23, 1977. Due notice was given to the applicants and protestant. A transcript of the hearing is on file in the Office of the State Engineer.

FINDINGS OF FACT

I

Applications 30619, 30620 and 30621 were filed on September 7, 1976, by Southern Idaho Land and Livestock Co. to appropriate underground water for irrigation purposes.

Application 30619 is to appropriate 4.7 c.f.s. to irrigate 280 acres. The point of diversion is within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 24, T.34N.,R.35E., M.D.B.&M. The place of use is within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 24, SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 23, T.34N.,R.35E., M.D.B.&M.

Application 30620 is to appropriate 3.7 c.f.s. to irrigate 220 acres. The point of diversion is within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 24, T.34N.,R.35E., M.D.B.&M. The place of use is within the NW $\frac{1}{4}$ Sec. 24, E $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 23, T.34N.,R.35E., M.D.B.&M.

Application 30621 is to appropriate 3.7 c.f.s. to irrigate 220 acres. The point of diversion is within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 25, T.34N.,R.35E., M.D.B.&M. The place of use is within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$ Sec. 25, N $\frac{1}{2}$ Sec. 26, T.34N.,R.35E., M.D.B.&M.

Application 30773 was filed on October 19, 1976, by Joseph W. and Helen L. Buffalo to appropriate 2.7 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 35, T.33N.,R.35E., M.D.B.&M. The place of use is 160 acres within the E $\frac{1}{2}$ E $\frac{1}{2}$ of said Sec. 35.

Application 30885 was filed on December 6, 1976, by Robert Theising to appropriate 1.0 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 23, T.33N.,R.35E., M.D.B.&M. The place of use is 40 acres within the N $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Sec. 23.¹

II

Applications 30619, 30620, and 30621 were protested on November 19, 1976 by the Pershing County Water Conservation District of Nevada who prayed that the applications be denied on the grounds that:

"The granting of said applications will effect the water table and drainage and adversely effect the decreed waters of the Humboldt River."²

III

It is estimated that the perennial yield of the Imlay Area Ground Water Reservoir is 3000 acre-feet of ground water per year.³

IV

Existing water rights could be exercised and developed to divert a total of 14,000 ac.-ft./yr. of ground water from the Imlay Area Ground Water Reservoir.

V

The ground water table in the Imlay Area slopes toward the Humboldt River from the mountains along the margin of the area. Ground water is naturally discharged by evapotranspiration on the Humboldt River flood plain and adjoining benchlands, by springs and seeps flowing to the Humboldt River and by underflow from the south end of the Imlay Area.⁵

VI

Humboldt River water rights in the Imlay Area and downstream far exceed the mean annual flow of the Humboldt River at Imlay which is 149,000 ac.-ft. for the 1912-1963 period.⁶

VII

Applications to appropriate underground water to irrigate additional land have been denied in the Imlay Area.⁷

CONCLUSIONS

1. The State Engineer has jurisdiction of the parties and the subject matter of this action.⁸

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.⁹

3. The Humboldt River stream system and the Imlay Area ground water reservoir are interconnected. Water rights on the surface water system exceed the mean annual flow of the Humboldt River at Imlay. Water rights on the Imlay Area ground water reservoir exceed the estimate of recharge to the reservoir from precipitation.

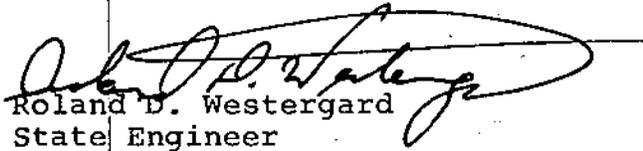
The potential exists for additional development and pumpage from the Imlay Area ground water reservoir under existing rights.

To grant additional water rights for irrigation from the Imlay 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.

RULING

Applications 30619, 30620, 30621, 30773 and 30885 are denied and the protests upheld on the grounds that the granting of additional water rights for irrigation from the Imlay Area ground water reservoir would conflict with existing rights and threaten to prove detrimental to the public welfare in this area where appropriations exceed estimates of perennial yield.

Respectfully submitted,


Roland D. Westergard
State Engineer

RDW:JC:jw

Dated this 11th day of
August, 1977.

FOOTNOTES

1. Public records located within the Office of the State Engineer.
2. Public records located within the Office of the State Engineer.
3. Reconnaissance Series Report 5, p.1 and 37.
4. Public records located within the Office of the State Engineer.
5. Reconnaissance Series Report 5, p. 31 and 34.
6. Water Resources Bulletin No. 32, p. 84.
7. Public records located within the Office of the State Engineer. See denied Applications 28473, 28474, 28475, 28480, 28485, 28486, 28487, 28488, 28489, 28490, 28491, 28493, 28494, 29083, 29084, 29085, 29086, 29087, 29088, 29089, 29090, 29091, 29092, 29093, 29094, 29095, 29096, 29097, and 29103.
8. NRS 533.025 and 533.030, subsection 1.
9. NRS 533.370, subsection 4.