

IN THE MATTER OF APPLICATION 31021 FILED)  
TO APPROPRIATE THE WATERS OF AN UNDER- )  
GROUND SOURCE IN THE EAST WALKER AREA, )  
LYON, COUNTY, NEVADA. )

R U L I N G

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INTRODUCTION

Application 31021 was filed in the State Engineer's office on January 24, 1977 to appropriate underground water for irrigation purposes in the East Walker Area, Lyon County, Nevada.

FINDINGS OF FACT

I

Application 31021 was filed on January 24, 1977 by Ivy Ranches, Inc. for permission to appropriate 6.0 c.f.s. of water from an underground source for irrigation purposes. The proposed point of diversion is located within the NW1/4 SE1/4 of Section 28, T.10N., R.27E., M.D.B. & M, or at a point from which the S1/4 corner of said Section 28 bears S. 10° 45' 00" W, a distance of 2151.65 feet. The proposed place of use is 3345 acres located within portions of Section 1, T.10N., R.26E., M.D.B. & M, Sections 5, 6, 7, 8, 16, 17, 20, 21 and 28, T.10N., R.27E., M.D.B. & M., Sections 14, 23, 25, 26 and 36, T.11N., R.26E., M.D.B. & M. and Section 31, T.11N., R.27E., M.D.B. & M. 1/

II

Application 31021 was filed to appropriate water from an underground source within the East Walker Area, Lyon County Nevada. 2/

III

The proposed point of diversion under Application 31021 is located within the flood plain of the East Walker River. The proposed point of diversion is within approximately 500 feet of the main channel of the East Walker River. 3/

IV

Surface water appropriations and rights under Decree C-125 from the Walker River Stream System far exceed the average annual flow of the East and West Walker Rivers measured from 1948 to 1965. 4/

V

Applications to appropriate additional surface water from the Walker River Stream 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. 5/

VI

The proposed point of diversion of Application 31021 is in close proximity to the main channel of the east Walker River. The withdrawal of the amount of water sought to be appropriated in this location would

create a cone of depression in the water table which would tend to encompass the bed of the East Walker River and would deplete the surface flow of the river down stream from the cone of depression.

VII

Should Application 31021 be granted and subsequent development of ground water pursuant thereto detrimentally affect prior surface water rights as set forth under Decree C-125 and appropriated rights, the State Engineer is required by law to order withdrawals be restricted to conform to priority rights. 6/

CONCLUSIONS

I

The State Engineer has jurisdiction of the parties in the subject matter of this action. 7/

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. 8/

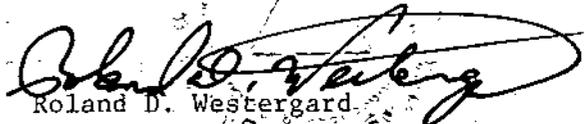
III

Withdrawal of the underground water applied for under Application 31021 would tend to diminish flow in the East Walker River and further would adversely affect the prior rights as set forth in Decree C-125 and would conflict with appropriated rights on the Walker River Stream System and threaten to prove detrimental to the public welfare.

RULING

Application 31021 is herewith denied on the grounds that the appropriation of the amount of water applied for from the location applied for in the application would tend to impair the value of existing rights and be otherwise detrimental to the public interest and welfare.

Respectfully submitted,

  
Roland D. Westergard  
State Engineer

RDW/BLR/bl

Dated this 8th day of

FEBRUARY, 1978.

FOOTNOTES

1. Public Records in the Office of the State Engineer.
2. Public Records in the Office of the State Engineer.
3. Public Records in the Office of the State Engineer and Supporting Map for Application 31021.
4. Public Records in the Office of the State Engineer and U. S. vs. Walker River Irrigation District, et al, U. S. District Court for the District of Nevada, Equity #C-125 as Amended by the Honorable A. F. St. Sure, Dated April 24, 1940, Hereafter called Decree C-125.
5. Public Records in the Office of the State Engineer, see Denied Applications 24994, 24951, 25015, 25016, 25018, 25236, 30095 and 30096.
6. NRS 534.110, subsections 3 and 6.
7. NRS 533.025 and 533.030, subsection 1.
8. NRS 533.370, subsection 4.