

IN THE MATTER OF APPLICATIONS 31649,)
31650, 31651 AND 31652 FILED TO AP-)
PROPRIATE THE WATERS OF AN UNDER-)
GROUND SOURCE IN CHURCHILL VALLEY,)
LYON COUNTY, NEVADA.)

R U L I N G

INTRODUCTION

Applications 31649, 31650, 31651 and 31652 were filed in the State Engineer's office on May 11, 1977 to appropriate underground water for irrigation and domestic purposes in Churchill Valley, Nevada.

In 1975, Water Resources Reconnaissance Series Report #59, "Water Resources 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 U. S. Department of the Interior, Geological Survey. This report is available from the State Engineer's office.

FINDINGS OF FACT

Application 31649 was filed on May 11, 1977 by Alexander Dawson, Inc. to appropriate 6.0 c.f.s. of water from an underground source to be diverted at a point within the SE1/4 NE1/4, Section 2, T.15N., R.24E., M.D.B.&M., to be used for irrigation and domestic purposes within the SW1/4 SW1/4, Section 1; E1/2 W1/2, W1/2 NE1/4, SE1/4 NE1/4, SE1/4 Section 2; N1/2 NE1/4, Section 11; NW1/4 NW1/4, SE1/4 NW1/4, N1/2 SE1/4, SE1/4 SE1/4, Section 12; all in T.15N., R.24E., M.D.B.&M.

Application 31650 was filed on May 11, 1977 by Alexander Dawson, Inc. to appropriate 6.0 c.f.s. of water from an underground source to be diverted at a point within the SE1/4 NW1/4, Section 2, T.15N., R.24E., M.D.B.&M., to be used for irrigation and domestic purposes within the SW1/4 SW1/4, Section 1; E1/2 W1/2, W1/2 NE1/4, SE1/4 NE1/4, SE1/4 Section 2; N1/2 NE1/4, Section 11; NW1/4 NW1/4, SE1/4 NW1/4, N1/2 SE1/4, SE1/4 SE1/4, Section 12; all in T.15N., R.24E., M.D.B.&M.

Application 31651 was filed on May 11, 1977 by Alexander Dawson, Inc. to appropriate 6.0 c.f.s. of water from an underground source to be diverted at a point within the SW1/4 SE1/4, Section 2, T.15N., R.24E., M.D.B.&M., to be used for irrigation and domestic purposes within the SW1/4 SW1/4, Section 1; E1/2 W1/2, W1/2 NE1/4, SE1/4 NE1/4, SE1/4, Section 2; N1/2 NE1/4, Section 11; NW1/4 NW1/4, SE1/4 NW1/4, N1/2 SE1/4, SE1/4 SE1/4, Section 12; all in T.15N., R.24E., M.D.B.&M.

Application 31652 was filed on May 11, 1977 by Alexander Dawson, Inc. to appropriate 6.0 c.f.s. of water from an underground source to be diverted at a point within the NE1/4 NE1/4, Section 11, T.15N., R.24E., M.D.B.&M., to be used for irrigation and domestic purposes within the SW1/4 SW1/4, Section 1; E1/2 W1/2, W1/2 NE1/4, SE1/4 NE1/4, SE1/4, Section 2; N1/2 NE1/4, Section 11; NW1/4 NW1/4, SE1/4 NW1/4, N1/2 SE1/4, SE1/4 SE1/4, Section 12; all in T.15N., R.24E., M.D.B.&M. 1/

II

Applications 31649, 31650, 31651 and 31652 were filed to appropriate water from an underground source within the Churchill Valley Ground Water Basin, Storey, Lyon and Churchill Counties, Nevada, as designated and described by order of the State Engineer issued August 23, 1977. 2/

III

Applications 31649, 31650, 31651 and 31652 are to appropriate water from an underground source. The land to be irrigated under Applications 31649, 31650, 31651 and 31652 does not have existing underground water rights. 3/

IV

The designated Churchill Valley Ground Water Basin is a sub-basin of the larger Carson River Basin in western Nevada. The potential local recharge from precipitation to the Churchill Valley Ground Water Basin is estimated to be 1300 acre-feet of water per year. 4/

V

Certificates have been issued under ground water permits which could be exercised to divert 2865 acre-feet of water per year from the Churchill Valley Ground Water Basin. Permits have been granted which could be used to develop an additional 17,162 acre-feet per year from the basin. 5/

VI

Should Applications 31649, 31650, 31651 and 31652 be granted, and should subsequent development of ground water under these permits detrimentally affect prior ground water rights, the State Engineer is required by law to order withdrawals restricted to conform to priority rights. 6/

CONCLUSIONS:

1. The State Engineer has jurisdiction of the parties and the subject matter of this action. 7/
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. 8/

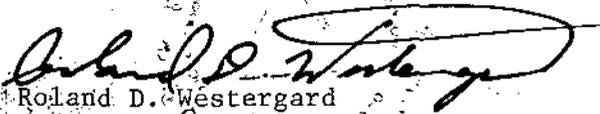
3. Existing water rights for the Churchill Valley Ground Water Basin exceed the estimated potential recharge from precipitation to the Churchill Valley Ground Water Reservoir. The potential exists for additional pumpage under existing ground water rights which have not yet been developed. To grant additional water rights for irrigation from this limited ground water resource would adversely affect existing rights and threaten to prove detrimental to the public welfare.

4. The State Engineer is authorized and directed to designate preferred uses of water within designated ground water areas such as Churchill Valley. 9/ The consumptive use of additional ground water to irrigate additional land is not considered to be a preferred use of the limited ground water resources of the Churchill Valley Ground Water Basin.

RULING

Applications 31649, 31650, 31651 and 31652 are herewith denied on the grounds that the appropriation of underground water for irrigation as applied for would tend to impair the value of existing rights and would be detrimental to the public interest and welfare.

Respectfully submitted,


Roland D. Westergard
State Engineer

RDW/BLR/bl

Dated this 27th day

of APRIL, 1978.

FOOTNOTES

1. Public records in the office of the State Engineer.
2. Public records in the office of the State Engineer and Chapter 534, Nevada Revised Statutes.
3. Public records in the office of the State Engineer.
4. Water Resources Reconnaissance Series Report 59, pp. 47 and 48.
5. Public records in the office of the State Engineer.
6. NRS 534.110, subsections 2 and 6.
7. NRS 533.025 and 533.030, subsection 1.
8. NRS 533.370, subsection 4.
9. NRS 534.120, subsection 2.