

IN THE MATTER OF APPLICATION)
40762 FILED TO APPROPRIATE)
UNDERGROUND WATER IN DAYTON)
VALLEY, LYON COUNTY, NEVADA)

RULING

103

INTRODUCTION

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 the United States Department of the Interior, Geological Survey. This report is available at the State Engineer's office.

FINDINGS OF FACT

I

Application 40762 was filed by Cosco, Inc. on February 27, 1980 to appropriate 0.20 c.f.s. of underground water for quasi-municipal and domestic purposes. The point of diversion is within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 28, T.17N., R.22E., M.D.B.& M., the place of use being a portion of the E $\frac{1}{2}$ NE $\frac{1}{4}$ of said Section 28. 1/

II

By an Order dated January 22, 1973, the State Engineer designated and described the Dayton Valley Ground Water Basin as a ground water basin coming under the provisions of NRS 534. 2/

III

It is estimated that the potential recharge from precipitation to the Dayton Valley Ground Water Basin is 7,900 acre-feet annually. 3/

IV

Existing certificated and permitted ground water rights exceed 22,000 acre-feet annually. 4/ The potential exists for additional pumpage under existing ground water permits which have not yet been fully developed.

V

A Pumpage Inventory completed for 1979, estimated the total pumpage to be 15,930 acre-feet. 5/ This figure includes the withdrawal from the ground water reservoir by 419 individual domestic wells. The total pumpage for 1977 was estimated to be 14,300 acre-feet (including Stagecoach).

VI

Application 40762 proposes to divert an additional 8.80 million gallons (or 26.88 acre-feet) from an already over-appropriated ground water reservoir. Pumpage and consumptive use applied for would have an adverse effect on the existing concentration of domestic wells and by causing declines in the water table, resulting in additional infiltration of surface water and a deterioration of water quality by septic tank discharge.

VII

Applications to appropriate ground water for quasi-municipal purposes have been denied in Dayton Valley. 6/

CONCLUSIONS

I

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

II

The State Engineer is prohibited by law from granting a permit where:

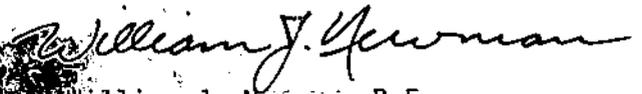
1. There is no unappropriated water at the proposed source, or
2. The proposed use conflicts with existing rights, or
3. The proposed use threatens to prove detrimental to the public interest. 8/

To grant additional rights under Application 40762 from the limited ground water resource would adversely affect existing rights and be detrimental to the public interest.

RULING

Application 40762 is denied on the grounds that the granting of this application for an additional withdrawal of ground water where the pumpage and the water rights of record exceed the potential annual recharge would conflict with existing rights and be detrimental to the public interest.

Respectfully submitted,



William J. Newman, P.E.
State Engineer

WJN-RWP-js

Dated this 20th day of

November, 1980

RECEIVED
STATE ENGINEER
NOV 21 1980

FOOTNOTES

1. Public Records within the office of the State Engineer.
2. Public records within the office of the State Engineer.
3. Water Resources - Reconnaissance Series Report 59, pg. 48.
4. Public records within the office of the State Engineer. Estimation does not include certificates or permits within the topographically separate Stagecoach Sub-Area of Dayton Valley.
5. Public records within the office of the State Engineer. Estimation does not include certificates or permits within the topographically separate Stagecoach Sub-Area of Dayton Valley.
6. See denied Applications 27441, 27557, 36130, 36131, 38448, 38449, 38450, 38451, 38452, 38453, 38454, 38455, 38456, 38457, 38458 and 38459.
7. NRS 533.025 and NRS 533.030, Subsection 1.
8. NRS 533.370, Subsection 4.

RECEIVED

NOV 10 1960