

IN THE MATTER OF APPLICATIONS 39379 AND)
41419 FILED TO APPROPRIATE THE WATERS)
OF AN UNDERGROUND SOURCE IN CHURCHILL)
VALLEY, LYON COUNTY, NEVADA)

R U L I N G

102

INTRODUCTION

Applications 39379 and 41419 were filed in the State Engineer's office 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

I

Application 39379 was filed by Mathew Wroblewski on October 22, 1979, to appropriate 2.7 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 5, T.17N., R.26E., M.D.B. & M., and the place of use is 160 acres within the NE $\frac{1}{4}$ of Section 5, T.17N., R.26E., M.D.B. & M.

Application 41419 was filed by Hap Magee on May 23, 1980, to appropriate 2.025 c.f.s. of underground water for irrigation purposes. The point of diversion is within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 34, T.16N., R.24E., M.D.B. & M., and the place of use is 120 acres within the W $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 35 and the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 34, T.16N., R.24E., M.D.B. & M..

II

Applications 39379 and 41419 were filed to appropriate water from an underground source within the Churchill Valley Ground Water Basin, Lyon County, Nevada, as designated and described by order of the State Engineer issued August 23, 1977. 2/

III

Applications to appropriate underground water to irrigate additional land have been denied in Churchill Valley. 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 1,300 acre-feet of water per year. 4/

V

Certificates have been issued under ground water permits which could be exercised to divert 3063 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 12,918 acre-feet per year from the basin. 5/

VI

Should Applications 39379 and 41419 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 right. 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 39379 and 41419 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 threaten to prove detrimental to the public interest and welfare.

Respectfully submitted,



William J. Newman
State Engineer

Dated this 10th day
of March, 1981

WJN/RWP/js

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. See denied Applications 28437, 31130, 31156, 31314, 31649, 31650, 31651, 31652, 31743, 22444, 35628, 35629, 36191.
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.