

IN THE MATTER OF APPLICATIONS 43731)
AND 43732 TO APPROPRIATE WATER FROM)
AN UNDERGROUND SOURCE IN THE FERNLEY)
AREA, NEVADA)

RULING

INTRODUCTION

Applications 43731 and 43732 were filed to appropriate underground water in the Fernley Area for irrigation purposes.

In 1963, Water Resources Bulletin No. 17, "Ground Water Conditions in the Fernley-Wadsworth Area, Churchill, Lyon, Storey and Washoe Counties, Nevada," by W. C. Sinclair and O. J. Loeltz was prepared cooperatively by the Nevada Department of Conservation and Natural Resources and the Geological Survey, U. S. Department of the Interior. A copy of this report may be viewed in the office of the State Engineer.

FINDINGS OF FACT

Applications 43731 and 43732 were filed on May 12, 1981, by Virgil E. Forare and Lewis C. Homes to appropriate 4.0 c.f.s. of water to irrigate 63 acres. The point of diversion under Application 43731 is within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 7, T.19N., R.25E., M.D.B. & M., and the place of use is within the S $\frac{1}{2}$ NW $\frac{1}{4}$ of said Section 7. The point of diversion under Application 43732 is within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 7, T.19N., R.25E., M.D.B. & M. The place of use is within the S $\frac{1}{2}$ NW $\frac{1}{4}$ of said Section 7. 1/

II

The Fernley Area was designated on December 30, 1977 by the State Engineer as a ground water basin coming under the provisions of Chapter 534 NRS.

III

The recharge from precipitation to the Fernley Area ground water reservoir is estimated by the U. S. Geological Survey to be 500 acre-feet of water per year. Irrigation water also recharges the ground water reservoir but recharge from irrigation is estimated to be less than 10,000 acre-feet per year. 2/

IV

Water rights have been issued in the Fernley Area which could be developed to divert as much as 17,000 acre-feet of underground water per year. 3/ Applications 43731 and 43732 are to irrigate an additional 63 acres of land or to appropriate an additional 252 acre-feet of underground water per year.

CONCLUSIONS

1. The State Engineer has jurisdiction of the parties and the subject matter of this action. 4/
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. 5/
3. Existing water rights for ground water in the Fernley Area exceed the estimated recharge to the ground water reservoir.

To grant additional water rights under the subject applications would conflict with existing rights and threaten to prove detrimental to the public welfare.

4. The potential exists for additional development of the Fernley Area ground water reservoir. Continuing urbanization of the area indicates pumpage will increase.

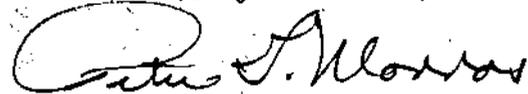
To grant additional water rights for irrigation from the Fernley Area ground water reservoir under the subject applications, would over-commit this limited natural resource, conflict with existing rights, and threaten to prove detrimental to the public welfare.

5. The State Engineer is authorized and directed to designate preferred uses of water within designated ground water areas such as the Fernley Area. 6/ The consumptive use of additional ground water to irrigate additional land or to more intensively or frequently irrigate other land is not considered to be a preferred use of the limited water resources of the Fernley Area ground water reservoir.

RULING

Applications 43731 and 43732 are denied on the grounds that the granting of underground water rights to irrigate additional land within the designated Fernley Area would conflict with existing rights and threaten to prove detrimental to the public welfare in this area where appropriations exceed estimates of recharge to the ground water reservoir.

Respectfully submitted,



Peter G. Morros
State Engineer

PGM-GMT-js

Dated this 10th day of
September 1981

FOOTNOTES

1. Public records located within the Office of the State Engineer.
2. Water Resources - Bulletin No. 17, Page AA 10.
3. Public records located within the Office of the State Engineer.
4. NRS 533.025 and 533.030, subsection 1.
5. NRS 533.370, subsection 4.
6. NRS 534.120, subsection 2.

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