

IN THE MATTER OF APPLICATIONS 39535,)
39536, 39537, 39538, 39539, 39540,)
39541, 39542, 39543, 39544, 39545,)
39546, 39547, 39548, 39549, 42844,)
42845, 43237 AND 43238 TO APPRO-)
PRIATE GROUND WATER IN BUENA VISTA)
VALLEY, PERSHING COUNTY, NEVADA)

R U L I N G

INTRODUCTION

Water Resources Bulletin No. 13, "Geology and Groundwater Resources of Buena Vista Valley, Pershing County, Nevada" by O. J. Loeltz and D. A. Phoenix was prepared cooperatively by the U. S. Geological Survey and the State of Nevada Office of State Engineer. This report is available in the State Engineer's office.

FINDINGS OF FACT

I

Application 39535 was filed by Gordon Rae McCoy to appropriate 6.0 c.f.s. of underground water for irrigation purposes. The point of diversion is within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 3, T.29N., R.35E., M.D.B. & M., and the place of use is 640 acres within said Section 3.

Application 39536 was filed by Gordon Rae McCoy to appropriate 6.0 c.f.s. of underground water for irrigation purposes. The point of diversion is within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 3, T.29N., R.35E., M.D.B. & M., and the place of use is 640 acres within said Section 3.

Application 39537 was filed by Gordon Rae McCoy to appropriate 6.0 c.f.s. of underground water for irrigation purposes. The point of diversion is within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 9, T.29N., R.35E., M.D.B. & M., and the place of use is 640 acres within said Section 9.

Application 39538 was filed by Gordon Rae McCoy to appropriate 6.0 c.f.s. of underground water for irrigation purposes. The point of diversion is within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 9, T.29N., R.35E., M.D.B. & M., and the place of use is 640 acres within said Section 9.

Application 39539 was filed by Gordon Rae McCoy to appropriate 6.0 c.f.s. of underground water for irrigation purposes. The point of diversion is within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 11, T.29N., R.35E., M.D.B. & M., and the place of use is 640 acres within said Section 11.

Application 39540 was filed by Gordon Rae McCoy to appropriate 6.0 c.f.s. of underground water for irrigation purposes. The point of diversion is within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 11, T.29N., R.35E., M.D.B. & M., and the place of use is 640 acres within said Section 11.

Application 39541 was filed by Gordon Rae McCoy to appropriate 6.0 c.f.s. of underground water for irrigation purposes. The point of diversion is

within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 15, T.29N., R.35E., M.D.B.& M., and the place of use is 640 acres within said Section 15.

Application 39542 was filed by Gordon Rae McCoy to appropriate 6.0 c.f.s. of underground water for irrigation purposes. The point of diversion is within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 15, T.29N., R.35E., M.D.B.& M., and the place of use is 640 acres within said Section 15.

Application 39543 was filed by Gordon Rae McCoy to appropriate 6.0 c.f.s. of underground water for irrigation purposes. The point of diversion is within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 21, T.29N., R.35E., M.D.B.& M., and the place of use is 640 acres within said Section 21.

Application 39544 was filed by Gordon Rae McCoy to appropriate 6.0 c.f.s. of underground water for irrigation purposes. The point of diversion is within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 21, T.29N., R.35E., M.D.B.& M., and the place of use is 640 acres within said Section 21.

Application 39545 was filed by Gordon Rae McCoy to appropriate 6.0 c.f.s. of underground water for irrigation purposes. The point of diversion is within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 15, T.29N., R.35E., M.D.B.& M., and the place of use is 320 acres within the W $\frac{1}{2}$ Section 23, T.29N., R.35E., M.D.B.& M.

Application 39546 was filed by Gordon Rae McCoy to appropriate 6.0 c.f.s. of underground water for irrigation purposes. The point of diversion is within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 27, T.29N., R.35E., M.D.B.& M., and the place of use is 640 acres within said Section 27.

Application 39547 was filed by Gordon Rae McCoy to appropriate 6.0 c.f.s. of underground water for irrigation purposes. The point of diversion is within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 29, T.29N., R.35E., M.D.B.& M., and the place of use is 320 acres within the E $\frac{1}{2}$ of said Section 29.

Application 39548 was filed by Gordon Rae McCoy to appropriate 6.0 c.f.s. of underground water for irrigation purposes. The point of diversion is within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 33, T.29N., R.35E., M.D.B.& M., and the place of use is 320 acres within the N $\frac{1}{2}$ of said Section 33.

Application 39549 was filed by Gordon Rae McCoy to appropriate 6.0 c.f.s. of underground water for irrigation purposes. The point of diversion is within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 27, T.29N., R.35E., M.D.B.& M., and the place of use is 640 acres within said Section 27.

Application 42844 was filed by Charlene McCoury to appropriate 5.4 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within Lot 4, Section 18, T.30N., R.35E., M.D.B.& M., and the place of use is 320 acres within the S $\frac{1}{2}$ of said Section 18.

Application 42845 was filed by John R. Hiibel to appropriate 5.4 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within Lot 1, Section 18, T.30N., R.35E., M.D.B.& M., and the place of use is 320 acres within the N $\frac{1}{2}$ of said Section 18.

Application 43237 was filed by Robert M. McElrath to appropriate 5.4 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 1, T.30N., R.35E., M.D.B. & M., and the place of use is 320 acres within the N $\frac{1}{2}$ of said Section 1.

Application 43238 was filed by Rose Ann McElrath to appropriate 5.4 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 1, T.30N., R.35E., M.D.B. & M., and the place of use is 320 acres within the S $\frac{1}{2}$ of said Section 1.

II

Applications 39535, 39536, 39537, 39538, 39539, 39540, 39541, 39542, 39543, 39544, 39545, 39546, 39547, 39548, 39549, 42844, 42845, 43237 and 43238 were filed to appropriate water from an underground source for irrigation purposes within Buena Vista Valley Ground Water Basin, Pershing County, Nevada, as designated and described by Order of the State Engineer issued on October 2, 1979.

III

An estimate of average annual recharge to the ground water reservoir in Buena Vista Valley is about 10,000 acre-feet. 1/

IV

Existing irrigation rights in Buena Vista Valley could be used to withdraw over 25,000 acre-feet of ground water per year when fully developed, and an additional 13,000 acre-feet could be developed in rights for mining. 2/

V

The estimated water requirements for the applications listed in Item I are approximately 26,880 acre-feet per year.

VI

Should additional water be allowed for appropriation for the irrigation of lands described under Item I and subsequent development of ground water thereto detrimentally affect prior ground water rights, the State Engineer is required by law to order that withdrawals be restricted to conform to priority rights. 3/

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 source, or

B. The proposed use conflicts with existing rights, or

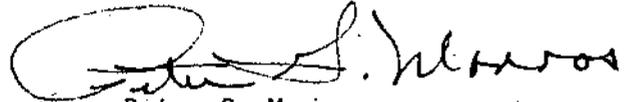
C. The proposed use threatens to prove detrimental to the public welfare. 5/

3. If the subject applications were granted, additional lands would be irrigated. This would result in additional consumptive use by farm land irrigation. The additional withdrawals and consumption would remove water from the ground water reservoir that would not be replaced resulting in a net depletion of the ground water reservoir, substantial water level declines and possible land subsidence. The additional withdrawals would, therefore, conflict with existing rights and threaten to prove detrimental to the public welfare.

RULING

Applications 39535, 39536, 39537, 39538, 39539, 39540, 39541, 39542, 39543, 39544, 39545, 39546, 39547, 39548, 39549, 42844, 42845, 43237 and 43238 are hereby denied on the grounds that the appropriation of additional water for irrigation in Buena Vista Valley would tend to impair the value of existing rights and be otherwise detrimental to the public welfare.

Respectfully submitted,



Peter G. Morros
State Engineer

PGM/TKG/dh

Dated this 29th day

of January, 1982.

FOOTNOTES

1. Water Resources Bulletin No. 13, pp. 26-27.
2. Public records in the office of the State Engineer.
3. NRS 534.110, subsections 3 and 6.
4. NRS 533.025 and 533.030, subsection 1.
5. NRS 533.370, subsection 4.