

IN THE MATTER OF APPLICATION 41255)
FILED TO APPROPRIATE THE WATERS OF AN)
UNDERGROUND SOURCE IN DIXIE VALLEY,)
CHURCHILL COUNTY, NEVADA)

R U L I N G

INTRODUCTION

In 1963, Water Resources - Reconnaissance Series Report No. 23, "A Brief Appraisal of the Ground - Water Hydrology of the Dixie - Fairview Valley Area, Nevada", was prepared cooperatively by the U.S. Geological Survey, U.S. Department of the Interior, and the Nevada Department of Conservation and Natural Resources. This report can be viewed at the office of the State Engineer.

In 1974, "Water for Nevada - Reconnaissance Soil Survey Dixie Valley" was prepared cooperatively by the Department of Conservation and Natural Resources, Division of Water Resources; the Agricultural Experiment Station, University of Nevada, Reno; and the Soil Conservation Service, U.S. Department of Agriculture. This report is available at the Office of the State Engineer.

FINDINGS OF FACT

I

Application 41255 was filed in the State Engineer's office on May 6, 1980, by Luther W. Johnson to appropriate 1.0 c.f.s. of the waters of an underground source within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 16, T. 21 N., R. 35 E., M.D.B.&M., Dixie Valley, Nevada. The water is proposed to be used for the irrigation of 40 acres within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 16, T. 21 N., R. 35 E., M.D.B.&M.

II

Application 41255 was filed to appropriate water from an underground source within the Dixie Valley Ground Water Basin which was designated by State Engineer Order 715 on June 8, 1978. The basin was designated as a ground water basin in need of additional administration as set forth under NRS Chapter 534. 1/

III

The proposed point of diversion for irrigation water use lies within an area of concentrated irrigation rights in the southern portion of Dixie Valley south of the Humboldt Salt Marsh. Existing ground water rights in this concentrated area presently total approximately 11,303 acre-feet per year. 2/

IV

Estimates of potential ground water recharge to this area are approximately 9,500 acre-feet per year. 3/ This figure includes recharge from Fairview, Eastgate, Cowkick, and Stingaree Valleys and approximately one-half of the recharge to Dixie Valley.

V

Previous denials of 94 applications for water rights have been ruled on by the State Engineer. These applications were for irrigation use within the southern portion of Dixie Valley. 4/

VI

The 94 previous denials of irrigation water right applications in the southern portion of Dixie Valley were based on the conclusion that additional appropriation of the underground water source in the concentrated area of Southern Dixie Valley would tend to impair the value of existing rights and be otherwise detrimental to the public interest and welfare. 5/

VII

Should additional water be allowed for appropriation for the reclamation of lands described under Application 41255 in the concentrated area described, and subsequent development of the ground water pursuant thereto detrimentally affect prior ground water rights, the State Engineer is required by law to order withdrawals be restricted to conform to priority of rights.

CONCLUSIONS

I

The State Engineer has jurisdiction of the parties and the subject matter of this action. 6/

II

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. 7/

III

If Application 41255 is granted, additional lands would be irrigated. This would result in additional consumptive use by farmland irrigation. The additional withdrawals and consumption would remove water from the ground water reservoir which would not be replaced, resulting in a depletion of the ground water reservoir. The additional withdrawals and consumption of underground water for irrigation would, therefore, conflict with existing rights and threaten to prove detrimental to the public welfare.

RULING

Application 41255 is hereby denied on the grounds that granting additional appropriation of water for irrigation purposes in the concentrated area of Dixie 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/GB/jlm

Dated this 7th day of
November, 1983.

FOOTNOTES

1. State Engineer's Order 715.
2. Public Records in the Office of the State Engineer.
3. U.S.G.S. Reconnaissance Series Report 23, "A brief Appraisal of the Ground - Water Hydrology of the Dixie Fairview Valley Area, Nevada," 1963, Page 18, 25, Table 3 and Table 5.
4. State Engineer's Rulings 2526 and 2711.
5. State Engineer's Rulings 2526 and 2711.
6. NRS.533.025 and NRS 533.030, Subsection 1.
7. NRS 533.370, Subsection 3.