

IN THE MATTER OF APPLICATIONS 47198 )  
AND 47199 FILED TO APPROPRIATE THE )  
WATERS OF AN UNDERGROUND SOURCE IN )  
FISH LAKE VALLEY, MONO COUNTY, )  
CALIFORNIA. )

R U L I N G

GENERAL

Water Resources Bulletin No. 11, entitled "Preliminary Report on Ground Water in Fish Lake Valley, Nevada and California", 1/ was prepared by T. E. Eakin and Howard G. Mason in 1950 as a cooperative study between the State of Nevada, Office of the State Engineer, and the U.S. Department of the Interior, Geological Survey. This report is on file at the State Engineer's Office.

In 1973, Water Resources-Reconnaissance Series Report 58, "Water Resources Appraisal of Fish Lake Valley, Nevada and California, ", by F. Eugene Rush and T. L. Katzer, was prepared cooperatively by the U.S. Department of the Interior, Geological Survey, and the Department of Conservation and Natural Resources. This report is available from the State Engineer's Office.

FINDINGS OF FACT

I

Application 47198 was filed by Eleanora E. Leavitt on August 26, 1983 to appropriate 5.5 c.f.s. of water from an underground source for irrigation purposes. The point of diversion is within T. 3 S., R. 35 E., M.D.B.&M., (California) and the place of use is 320 acres within Sections 26 and 35, T. 3 S., R. 35 E., M.D.B.&M. (Nevada).

Application 47199 was filed by Gerald N. Leavitt on August 26, 1983 to appropriate 5.5 c.f.s. of underground water for irrigation purposes. The point of diversion is within T. 4 S., R. 35 E., M.D.B.&M., (California) and the place of use is 320 acres within Sections 35 and 36, T. 3 S., R. 35 E., M.D.B.&M. (Nevada).

II

The State Engineer described and designated the Fish Lake Valley Ground Water Basin on February 10, 1978 2/.

III

Ground water recharge in the Fish Lake Valley Area is derived primarily from precipitation in the form of runoff from the mountains 3/. The perennial yield (the maximum amount of natural discharge that can be salvaged each year over the long term by pumping without bringing about some undesired results) is estimated to be 30,000 acre-feet. 4/

IV

The estimated consumption of ground water in Fish Lake Valley for 1970 was 14,000 acre-feet. Of this, approximately 2,400 acre-feet were consumed in California. 5/

The Fish Lake Valley water inventory for 1979 estimated that more than 29,500 acre-feet of water was pumped from the ground water reservoir. 6/

V

Numerous applications to appropriate ground water for irrigation purposes in Fish Lake Valley have been denied by the Nevada State Engineer. 7/ By Ruling #2329, the State Engineer denied 71 applications to appropriate underground water for irrigation purposes. 8/

VI

There is a potential for additional ground water development in the California portion of Fish Lake Valley.

VII

Ground water levels have declined in Fish Lake Valley (Nevada) since the advent of pumpage by irrigation wells. In particular, levels have declined near the Nevada-California state line. 9/

VIII

The proposed points of diversion under Applications 47198 and 47199 are near the Nevada-California state line.

CONCLUSIONS

I

The State Engineer has jurisdiction of the parties and subject matter of this action. 10/

II

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

- A. There is no unappropriated water at the proposed source;
- B. the proposed use conflicts with existing rights; or
- C. the proposed use threatens to prove detrimental to the public welfare. 11/

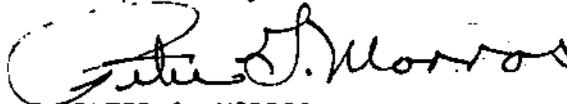
RULING  
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If the subject applications were approved, additional lands would be irrigated. This would result in additional consumptive use by farm-land irrigation. The additional withdrawals and consumption would remove water from the ground water reservoir which would not be replaced, resulting in 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

Applications 47198 and 47199 are herewith denied on the grounds that the appropriation of additional ground water for irrigation 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/KN/br

Dated this 19th day of

JANUARY, 1984.

## FOOTNOTES

1. Water Resources Bulletin No. 11, "Preliminary Report on Ground Water in Fish Lake Valley, Nevada and California", by T. E. Eakin with a statement on Reconnaissance Land Classification of Fish Lake Valley, Esmeralda County, Nevada by Howard G. Mason.
2. State Engineer's Order No. 704.
3. Water Resources-Reconnaissance Series Report 58, P. 10.
4. Water Resources-Reconnaissance Series Report 58, P. 45.
5. Water Resources-Reconnaissance Series Report 58, P. 49.
6. Records in the Office of the State Engineer - crop inventory Fish Lake Valley.
7. State Engineer's Rulings Nos. 2751, 2343 and 2411.
8. State Engineer's Ruling No. 2329.
9. State of Nevada Exhibit No. 6, State Engineer's Administrative Hearing of April 5, 1983, Russell J. Harrison Application 36499.
10. NRS 533.025 and 533.030, subsection 1; NRS 533.355; NRS 533.515.
11. NRS 533.370, subsection 3.