

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATION 32829)
FILED TO APPROPRIATE THE PUBLIC)
WATERS OF AN UNDERGROUND SOURCE)
WITHIN COWKICK VALLEY (DIXIE VALLEY))
GROUND WATER BASIN IN CHURCHILL)
COUNTY, NEVADA.)

RULING

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.

FINDINGS OF FACT

I.

Application 32829 was filed on July 18, 1977, by Charles J. Lowery to appropriate 2.7 c.f.s. of water from an underground source for irrigation purposes on 160 acres of land within the N1/2 NW1/4 Section 2, T.16N., R.35E.; and the SE1/4 SE1/4 Section 34 and the SW1/4 SW1/4 Section 35, T.17N., R.35E., M.D.B.&M. The point of diversion is described as being within the SW1/4 SW1/4 Section 35, T.17N., R.35E., M.D.B.&M.¹

II.

Application 32829 was filed to appropriate water from an underground source within the Cowkick Valley Ground Water Basin. This basin was designated by State Engineer's Order 715 on June 8, 1978. The basin was designated in conjunction with the Dixie Valley Ground Water Basin as ground water basins in need of additional administration as set forth under NRS Chapter 534.²

III.

The southern portion of Dixie Valley is an area with a concentration of irrigation water rights. The southern portion of Dixie Valley is that portion which is south of Humboldt Salt Marsh. Existing ground water rights in this concentrated area presently total approximately 11,303 acre-feet per year.³

¹ Public record in the office of the State Engineer under Application 32829.

² State Engineer's Order 715, public record in the office of the State Engineer.

³ Public record in the office of the State Engineer.

IV.

Eastgate, Cowkick and Stingaree Valleys have an estimated recharge from precipitation of 6,000 acre-feet per year with 5,600 acre-feet of this recharge moving subsurface to Dixie Valley.⁴

V.

Previous denials of 107 applications for water rights for irrigation purposes within the southern portion of Dixie Valley have been denied by the State Engineer.⁵

VI.

The 105 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

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.

Eastgate, Cowkick and Stingaree Valleys are hydraulically connected to the southern portion of Dixie Valley.

⁴ U.S.G.S. Reconnaissance Series Report 23, "A Brief Appraisal of the Ground Water Hydrology of the Dixie - Fairview Valley Area, Nevada", 1963, pages 18, 25, Table 3 and Table 5.

⁵ State Engineer's Rulings 2526 and 2711.

⁶ NRS 533.025 and NRS 533.030, subsection 1.

⁷ NRS 533.370, subsection 3.

IV.

The major portion of recharge within the Cowkick and Stingaree Valleys discharges to the southern portion of Dixie Valley.

V.

Water rights existing in the southern portion of Dixie Valley exceed the estimated recharge. The majority of this recharge is derived from subsurface underground water flows from Eastgate, Cowkick and Stingaree Valleys.

VI.

Water rights issued under permits and certificates in Cowkick Valley exceed 800 acre-feet annually.⁸

VII.

If Application 32829 was 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 these ground water reservoirs which would not be replaced, resulting in a depletion of the recharge to the southern portion of Dixie Valley. 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 32829 is hereby denied on the grounds that granting this appropriation of water for irrigation purposes would deplete the recharge of underground waters in the concentrated area of Dixie Valley and tend to impair the value of existing rights and be otherwise detrimental to the public welfare.

Respectfully submitted



Peter G. Morros
State Engineer

PGM/HR/bl

Dated this 28th day of
SEPTEMBER, 1984.

⁸ Public record in the office of the State Engineer.