

IN THE MATTER OF APPLICATION )  
NUMBERS 30670, 30671, 30672, )  
30677, 30678, 30766, and 30767, )  
FILED TO APPROPRIATE THE WATERS )  
OF AN UNDERGROUND SOURCE IN )  
MIDDLE REESE VALLEY, LANDER )  
COUNTY, NEVADA )

R U L I N G

INTRODUCTION

Application 30670, 30671, 30672, 30677, 30678, 30766, and 30767 were filed in the State Engineer's Office between September 16, 1976 and October 18, 1976 to appropriate underground water for irrigation purposes in Middle Reese Valley, Lander County, Nevada.

In 1963, Water Resources - Reconnaissance Series Report 19 by E. G. Crosthwaite, was prepared cooperatively by the Nevada Department of Conservation and Natural Resources, Division of Water Resources and U. S. Department of Interior, Geological Survey.

FINDINGS OF FACT

Application 30670 was filed on September 17, 1976 by Altamira Farms to appropriate 5.4 c.f.s., of the waters of an underground source to be used for irrigation and domestic on 254.3 acres in portions of the SW $\frac{1}{4}$  SW $\frac{1}{4}$  Section 34, T.26N., R.42E., and the E $\frac{1}{4}$  Section 4, T.25N., R.42E., M.D.B. & M. The proposed point of diversion is located within the SE $\frac{1}{4}$  NE $\frac{1}{4}$  (Lot 5) Section 4, T.25N., R.42E., M.D.B. & M.

Application 30671 was filed on September 17, 1976, by Altamira Farms for 5.4 c.f.s., from an underground source to be used for irrigation and domestic on 276.6 acres in the SW $\frac{1}{4}$ , E $\frac{1}{4}$  NW $\frac{1}{4}$ , and SW $\frac{1}{4}$  NW $\frac{1}{4}$  Section 9, T.25N., R.42E., M.D.B. & M. The proposed point of diversion is located within the SE $\frac{1}{4}$  NW $\frac{1}{4}$  Section 9, T.25N., R.42E., M.D.B. & M.

Application 30672 was filed on September 17, 1976, by Altamira Farms for 3.47 c.f.s., from an underground source to be used for irrigation of 277.4 acres in portions of the E $\frac{1}{4}$  Section 12, T.25N., R.42E., M.D.B. & M. The proposed point of diversion is located within the SW $\frac{1}{4}$  NE $\frac{1}{4}$  Section 12, T.25N., R.42E., M.D.B. & M.

Applications 30677 and 30678 were filed on September 17, 1976, by Altamira Farms. Both applications ask for 5.4 c.f.s., for irrigation and domestic on 600 acres in all of Section 23, except the SE $\frac{1}{4}$  SE $\frac{1}{4}$ , T.25N., R.42E., M.D.B. & M. The proposed point of diversion under Application 30677 is within the SW $\frac{1}{4}$  NE $\frac{1}{4}$  Section 23, T.25N., R.42E., M.D.B. & M. The proposed point of diversion under Application 30678 is within the SW $\frac{1}{4}$  NW $\frac{1}{4}$  Section 23, T.25N., R.42E., M.D.B. & M.

Applications 30766 and 30767 were filed on October 18, 1976, by Altamira Farms. Both applications ask for 6.0 c.f.s., for irrigation and domestic of 600 acres in all of Section 8, except

the SW $\frac{1}{4}$  SW $\frac{1}{4}$ , T.25N., R.42E., M.D.B. & M. The proposed point of diversion of Application 30766 is within the SW $\frac{1}{4}$  NE $\frac{1}{4}$  Section 8, T.25N., R.42E., M.D.B. & M. The proposed point of diversion of Application 30767 is within the SW $\frac{1}{4}$  SE $\frac{1}{4}$  Section 8, T.25N., R.42E., M.D.B. & M. 1/

## II

Protests were filed against the above applications within the statutory time period and request that the applications be denied.

Applications 30670, 30671, 30672, 30677, and 30678 were protested on January 4, 1977 by Ellison Ranching Co., on the grounds that:

- "1. Area is an area designated by the State Engineer as one of water concern.
2. State Engineer's office has advised Protestant that its wells in the area are down five feet.
3. Protestant has had to reduce the capacity of its pumps originally installed to compensate for the reduced rejuvenation capacity of the ground water aquifer.
4. Insufficient water to meet additional demands."

On January 10, 1977, Arthur Aten protested Applications 30670, 30677 and 30678, and Mervin L. Adams protested 30671, and 30672. Mr. Aten and Mrs. Adams protested on the grounds that:

- "1. Area is an area designated by the State Engineer as one of water concern.
2. State Engineer's office has advised protestant that its wells in the area are down five feet.
3. Insufficient water to meet additional demands."

Applications 30766 and 30767 were protested on February 17, 1977, by Aten's Farming on the grounds that:

- "1. The State Engineer has already stated that the water table has dropped five feet.
2. We feel that the area has been over aloted.
3. All of the aloted wells have never been pumped at one time as of yet. We feel that a ten year study should be made at full production before any new permits are allowed." 2/

A field investigation was made by representatives of the State Engineer's office on April 15, 1977. 2/

## III

Application Numbers 30670, 30671, 30672, 30677, 30678, 30766, and 30767 were filed to appropriate water from an underground source within the Middle Reese Valley Ground Water Basin, Lander County,

Nevada as designated and described by order of the State Engineer, August 5, 1964. 3/

IV

Application Numbers 30670, 30671, 30672, 30677, 30678, 30766, and 30767 were filed to appropriate water from an underground source. The land to be irrigated under these applications has existing underground water rights, but with limited diversion rates. 4/

V

The estimated perennial yield of the Middle Reese Valley ground water basin is 14,000 acre-feet per year. 5/

VI

Certificates of appropriation have been issued within the Middle Reese Valley ground water basin in the amount of 51,463.92 acre-feet per year and permits have been granted within the basin which allow for the diversion of an additional 5,131 acre-feet per year. There are, therefore, a total of 56,594.92 acre-feet of water currently appropriated from the ground water basin. 6/

VII

Should Applications 30670, 30671, 30672, 30677, 30678, 30766, and 30767 be granted and subsequent development of groundwater under these permits detrimentally affect prior groundwater rights, the State Engineer is required by law to order withdrawals restricted to conform to priority rights. 7/

CONCLUSIONS

1. The State Engineer has jurisdiction of the parties and the subject matter of this action. 8/
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. 8/
3. Existing water rights for the Middle Reese Valley Ground Water Basin exceed the estimated potential recharge from precipitation. The potential exists for additional pumpage under existing ground water rights which have not yet been developed. To grant additional water rights for irrigation from this limited ground water resource would adversely affect existing rights and threaten to prove detrimental to the public welfare.
4. The State Engineer is authorized and directed to designate preferred uses of water within designated ground water areas such as

Middle Reese Valley. 10/ The consumptive use of additional ground water for irrigation is not considered to be a preferred use of the limited ground water resources of the Middle Reese Valley Ground Water Basin.

RULING

Application Numbers 30670, 30671, 30672, 30677, 30678, 30766, and 30767 are herewith denied on the grounds that the appropriation of underground water for irrigation as applied for would tend to impair the value of existing rights and would be detrimental to the public interest and welfare.

Respectfully submitted,

  
Roland D. Westergard  
State Engineer

RDW/BLR/jv

Dated this 22nd day

of June, 1978.

FOOTNOTES

1. Public Records in the Office of the State Engineer.
2. Public Records in the Office of the State Engineer.
3. Public Records in the Office of the State Engineer.
4. Public Records in the Office of the State Engineer.
5. Water Resources Reconnaissance Series Report 19, 0. 16.
6. Public Records in the Office of the State Engineer,
7. NRS 534.110, subsections 3 and 6.
8. NRS 533.025 and 533.030, subsection 1.
9. NRS 533.370 subsection 4.
10. NRS 534.120, subsection 2.