

IN THE MATTER OF APPLICATION NUMBER 45083 )  
FILED TO APPROPRIATE THE WATERS OF AN )  
UNDERGROUND SOURCE IN THE MIDDLE REESE )  
RIVER VALLEY, LANDER COUNTY, NEVADA )

RULING

INTRODUCTION

Application 45083 was filed in the State Engineer's office November 25, 1981 to appropriate underground water for irrigation purposes in Middle Reese River Valley, Lander County, Nevada.

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

FINDINGS OF FACT

I

Application 45083 was filed on November 25, 1981 by the Smitley-Keyser Ranch to appropriate 1.5 c.f.s., of the waters of an underground source to be used for Irrigation purposes on 46.47 acres in portions of the NW $\frac{1}{2}$  NW $\frac{1}{2}$ , SW $\frac{1}{2}$  NW $\frac{1}{2}$ , NW $\frac{1}{2}$  SW $\frac{1}{2}$  all in Section 30, T.26N., R.43E., M.D.B.&M. The proposed point of diversion is located within the SW $\frac{1}{2}$  SW $\frac{1}{2}$  Section 30, T.26N., R.43E., M.D.B.&M. 1/

II

Application 45083 was 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. 1/

III

The estimated perennial yield of the Middle Reese Valley ground water basin is 14,000 acre-feet per year. 2/

IV

Certificates of appropriation have been issued with 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 5131 acre-feet per year. There are, therefore a total of 56,594.92 acre-feet of water right currently appropriated from the ground water basin. 1/

V

Should application 45083 be granted and subsequent development of groundwater under this permit detrimentally affect prior groundwater

rights, the State Engineer is required by law to order withdrawals 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 proposed 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. 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 groundwater 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. 6/ The consumptive use of additional groundwater for irrigation is not considered to be a preferred use of the limited ground water resources of the Middle Reese Valley Ground Water Basin.
5. The State Engineer is authorized to deny applications without publication in groundwater basins where previous applications have been denied or rejected for a similar use. 7/

RULING

Application 45083 is herewith denied on the grounds that the appropriation of underground water for irrigation would tend to impair the value of existing rights and would be detrimental to the public interest and welfare.

Respectively Submitted,



PETER G. MORROS  
State Engineer

PGM/GT/bt

DATED THIS 30th DAY OF  
MARCH, 1982.

FOOTNOTES

1. Public Records in the Office of the State Engineer.
2. Water Resources Reconnaissance Report 19, 0.16.
3. NRS 534.110, Subsections 3 and 6.
4. NRS 533.025 and NRS 533.030, Subsection 1.
5. NRS 533.370, Subsection 4.
6. NRS 534.120, Subsection 2.
7. NRS 533.370 (3) and Public Records in the Office of the State Engineer.