

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATION 50022)  
FILED TO APPROPRIATE THE PUBLIC)  
WATERS OF AN UNDERGROUND SOURCE IN)  
LOWER REESE RIVER VALLEY, LANDER)  
COUNTY, NEVADA. )

RULING

GENERAL

Application 50022 was filed on July 21, 1986, by Lawrence and Betty Risner to appropriate 1.0 c.f.s. of water from an underground source for irrigation and domestic purposes on 38.49 acres of land within the SE1/4 SW1/4 Section 12, T.29N., R.44E., M.D.B.&M. The point of diversion is described as being within the SE1/4 SW1/4 Section 12, T.29N., R.44E., M.D.B.&M.<sup>1</sup>

Water Resources Bulletin No. 32, Hydrologic Reconnaissance of the Humboldt River Basin, Nevada, by Thomas E. Eakin and Robert D. Lamke, was prepared cooperatively by the Department of Conservation and Natural Resources and the U.S. Department of Interior, Geological Survey.<sup>1</sup>

FINDINGS OF FACT

I.

The State Engineer designated and described Lower Reese River Valley, pursuant to Order No. 739, on March 27, 1980.<sup>1</sup>

II.

The estimated perennial yield of the Lower Reese River Valley Ground Water Basin is 16,000 acre-feet per year.<sup>2</sup>

III.

If the perennial yield is continually exceeded, ground water levels will decline until the ground water reservoir is depleted of water of usable quality or until the pumping lifts become uneconomical to maintain. Perennial yield cannot exceed the natural replenishment to an area indefinitely, and ultimately is limited to the maximum amount of natural discharge that can be salvaged for beneficial use.<sup>3</sup>

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<sup>1</sup> Public record in the office of the State Engineer.

<sup>2</sup> Water Resources Bulletin No. 32, public record in the office of the State Engineer.

<sup>3</sup> See attached Appendix of References.

IV.

Withdrawals of ground water in excess of the perennial yield contribute to adverse conditions such as water quality degradation, storage depletion, diminishing yield of wells, increased economic pumping lifts, land subsidence and possible reversal of ground water gradients which could result in significant changes in the recharge-discharge relationship. These conditions have developed in several other ground water basins within the State of Nevada where storage depletion and declining water tables have been recorded and documented.<sup>3</sup>

V.

Certificates of appropriation have been issued in Lower Reese River Valley Ground Water Basin in the amount of 17,687.38 acre-feet per year and permits have been granted within the basin for 9,861.7 acre-feet per year. There is, therefore, a total of 27,549.08 acre-feet of water per year appropriated from the ground water basin under existing rights.<sup>2</sup>

VI.

Should Application 50022 be granted and subsequent development of ground water under this application detrimentally affect prior ground water rights, the State Engineer is required by law to order withdrawals restricted to conform to priority rights.<sup>4</sup>

CONCLUSIONS

I.

The State Engineer has jurisdiction of the parties and the subject matter of this action and determination.<sup>5</sup>

II.

The State Engineer is prohibited by law from granting a permit under an application to appropriate the public waters where:<sup>6</sup>

- 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 interest.

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<sup>4</sup> NRS 534.110, subsections 3 and 6.

<sup>5</sup> NRS 534.020.

<sup>6</sup> NRS 533.370, subsection 3.

III.

The existing water rights for the Lower Reese River Vally Ground Water Basin exceed the perennial yield. 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.

IV.

The State Engineer is authorized and directed to designate preferred uses of water within designated ground water areas such as Lower Reese River Valley. The use of additional ground water in Lower Reese River Valley to irrigate additional lands is not a preferred use of this limited resource.<sup>7</sup>

V.

By an order dated March 27, 1980, the State Engineer designated and described the Lower Reese River Valley Ground Water Basin, Lander and Eureka Counties, Nevada.<sup>1</sup>

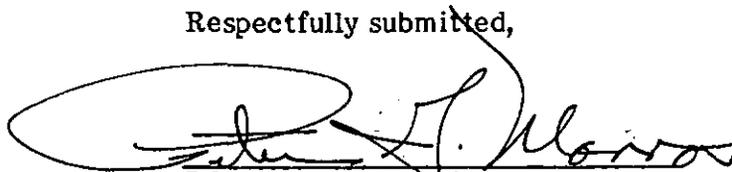
VI.

The State Engineer is authorized to deny applications without publication in ground water basins where previous applications have been denied or rejected for a similar use.<sup>8</sup>

**RULING**

Application 50022 is herewith denied on the grounds that the appropriation of underground water for irrigation purposes would tend to impair the value of existing rights and be otherwise detrimental to the public interest and welfare.

Respectfully submitted,

  
PETER G. MORROS  
State Engineer

PGM/MM/bl

Dated this 8th day of  
April, 1987.

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<sup>7</sup> NRS 534.120, subsection 2.

<sup>8</sup> NRS 533.370, subsection 3; see Ruling Nos. 2528 and 2759, public record in the office of the State Engineer.