

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATIONS 45352)
AND 45414 FILED TO APPROPRIATE THE)
PUBLIC WATERS OF AN UNDERGROUND)
SOURCE WITHIN THE SMITH VALLEY)
GROUND WATER BASIN, LYON COUNTY,))
NEVADA.)

RULING

GENERAL

I.

Application 45352 was filed by 30 Bar Ranch on February 22, 1982, to appropriate 0.25 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the NW1/4 SW1/4 Section 25, T.12N., R.23E., M.D.B.&M., and the place of use is 250 acres within the W1/2 NW1/4, NW1/4 SW1/4 Section 13, NE1/4, NE1/4 SE1/4 Section 14, SW1/4 SE1/4, S1/2 NW1/4 SE1/4 Section 11, T.12N., R.23E., M.D.B.&M.¹

Application 45414 was filed by Associated Ranch Management, a Nevada Limited Partnership, on March 2, 1982, to appropriate 2.0 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the NW1/4 SW1/4 Section 23, T.12N., R.23E., M.D.B.&M., and the place of use is 55 acres within the SE1/4 NE1/4 Section 22, SW1/4 NW1/4 Section 23, T.12N., R.23E., M.B.B.&M.¹

II.

Application 45352 was protested on July 7, 1982, by the Department of Wildlife, State of Nevada. This protest was subsequently withdrawn on December 2, 1983.¹

FINDINGS OF FACT

I.

By Order No. 245, dated June 27, 1960, the State Engineer designated and described the Smith Valley Ground Water Basin under the provisions of the underground water law (Chapter 178, Nevada Revised Statutes, 1939).¹

¹ Public records located within the office of the State Engineer.

II.

The points of diversion for Applications 45352 and 45414 are located within the designated Smith Valley Ground Water Basin.¹

III.

Applications to appropriate groundwater for irrigation purposes within Smith Valley have been previously denied on the grounds that the granting thereof would conflict with existing rights and be detrimental to the public interest.²

CONCLUSIONS

I.

The State Engineer has jurisdiction of the parties and the subject matter of this action.³

II.

The State Engineer is prohibited by law from granting a permit under an application to appropriate the public waters where:⁴

- A. There is no unappropriated water in the proposed source of supply, or
- B. The proposed use conflicts with existing rights, or
- C. The proposed use threatens to prove detrimental to the public interest.

² Public record in the office of the State Engineer. See also State Engineer's Ruling Nos. 1968, 1969, 1970, 1971, 2197, 2216, 2261, 2325 and 2690.

³ NRS Chapters 533 and 534.

⁴ NRS Chapter 533.370(3).

III.

Applications to appropriate groundwater for irrigation purposes within Smith Valley have been previously denied and these subject rulings 1968, 1969, 1970, 1971, 2197, 2216, 2261, 2326 and 2690 are incorporated in this ruling by reference.

RULING

Applications 45352 and 45414 are herewith denied on the grounds that the granting thereof would conflict with existing rights and be detrimental to the public interest.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Peter G. Morros", written over a faint circular stamp.

Peter G. Morros
State Engineer

PGM/JS/bk

Dated this 3rd day of

November 1988.