

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATION 52400)
FILED BY LANDER COUNTY SEWER AND)
WATER DISTRICT NO. 2 TO APPROPRIATE)
WATER FROM AN UNDERGROUND SOURCE)
IN THE UPPER REESE RIVER VALLEY)
GROUNDWATER BASIN, LANDER COUNTY,))
NEVADA.

RULING

FINDINGS OF FACT

I.

Application 52400 was filed on August 10, 1988, by the Lander County Sewer and Water District No. 2 to appropriate 2.0 c.f.s. of water from an underground source for quasi-municipal purposes. The point of diversion is described as being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 15, T.19N., R.43E., M.D.B.&M. and the place of use within the S $\frac{1}{2}$ S $\frac{1}{2}$ Section 13; N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$ Section 24, T.19N., R.43E., M.D.B.&M. Section 19; W $\frac{1}{2}$ Section 20; N $\frac{1}{2}$ NW $\frac{1}{4}$ Section 29; N $\frac{1}{2}$ NE $\frac{1}{4}$ Section 30, T.19N., R.45E., M.D.B.&M.¹

II.

Application 52400 was timely protested by A. Conrad Stewart on December 1, 1988, on the following grounds:¹

This test well was drilled in 1961 by Jay (Tex) Reynolds and was never used and subsequently abandoned. I acquired this property, mining claims, in 1972. These ten claims encompass the preponderance of the ore in this body and are blocked from the existing milling facility by U. S. 50, thus necessitating moving to this well, now in question. It should be noted this well is located approx. 1 mi. from the existing water line and will have a lift of about 1300 ft. and a head pressure of approx. 1500 lbs. The publicly announced cost will be over \$250,000 to construct, with no figure for pumping and maintenance. To me this is ludicrous, when water is available in Pony Canyon and

¹ Public record in the office of the State Engineer under Application 52400.

power overhead, and with the water line 3 to 4 hundred yards away. My original objection was received by you 8-22-88 and predated the 9-15-88 permit.

III.

Based on information contained in the subject application the applicant proposes to develop water from an underground source to supplement domestic water to the community of Austin, Nevada at an annual use estimated at 102.492 million gallons. This proposed use is in the public interest.¹

IV.

Based on information and data available to the State Engineer there is unappropriated water available within the Upper Reese River Groundwater Basin.

V.

There is no evidence that the subject application will effect existing rights.

CONCLUSIONS

I.

The State Engineer has jurisdiction of the parties and the subject matter of this action.²

II.

The State Engineer is prohibited by law from granting a permit under an application to appropriate the public waters where:³

- A. There is no unappropriated water at the proposed source, or
- B. The proposed use conflicts with existing rights, or

² NRS Chapter 533.

³ NRS Chapter 533.370.

C. The proposed use threatens to prove detrimental to the public interest.

III.

The State Engineer concludes that there is water available for appropriation in the source described under Application 52400.

IV.

The State Engineer concludes that the granting of Application 52400 will not impair existing rights nor be detrimental to the public interest.

V.

The grounds of the protest are without merit since the records of the State Engineer's office reflect no impairment of existing water rights on the source. The State Engineer further is without authority or jurisdiction to grant rights of ingress or egress on public, private or corporate lands.

RULING

The protest to the granting of Application 52400 is overruled and Application 52400 will be approved upon receipt of the statutory permit fees subject to existing rights. Approval of Application 52400 is not implied to grant any rights of ingress or egress on private, public or corporate lands.

Respectfully submitted,



PETER G. MORROS
State Engineer

PGM/bk

Dated this 7th day of
June, 1989.