

IN THE MATTER OF APPLICATIONS 36063)
THRU 36069, 36388, 37184, 37185, 37186,)
37187, 37265, 37285 THRU 37304 IN)
LOWER REESE RIVER VALLEY, LANDER COUNTY,)
NEVADA)

R U L I N G

INTRODUCTION

59

I

Applications 36063 thru 36069, 36388, 37184, 37185, 37186, 37187, 37265, 37285 thru 37304 were filed to appropriate water from an underground source in Lower Reese River Valley, Lander County, Nevada.

II

Water Resource 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 the Interior, Geological Survey. 1/

FINDINGS OF FACT

I

Application 36063 was filed on October 20, 1978 by S. D. Orwitz to appropriate 1.0 c.f.s. of underground water for commercial purposes. The point of diversion is within the NE1/4 SW1/4 Section 28, T.32N., R.45E., M.D.M. The place of use is within Section 28, T.32N., R.45E., M.D.M.

Application 36064 was filed on October 20, 1978 by S. D. Orwitz to appropriate 6.0 c.f.s. of underground water for irrigation purposes. The point of diversion is within the NW1/4 SE1/4 Section 33, T.32N., R.45E., M.D.M. The place of use is 640 acres within Section 33, T.32N., R.45E., M.D.M.

Application 36065 was filed on October 20, 1978 by S. D. Orwitz to appropriate 1.0 c.f.s. of underground water for commercial purposes. The point of diversion is within the NW1/4 SE1/4 Section 33, T.32N., R.45E., M.D.M. The place of use is within Section 33, T.32N., R.45E., M.D.M.

Application 36066 was filed on October 20, 1978 by S. D. Orwitz to appropriate 6.0 c.f.s. of underground water for irrigation purposes. The point of diversion is within the SE1/4 NW1/4 Section 15, T.31N., R.45E., M.D.M. The place of use is 480 acres within Section 15, T.31N., R.45E., M.D.M.

Application 36067 was filed on October 20, 1978 by S. D. Orwitz to appropriate 6.0 c.f.s. of underground water for irrigation purposes. The point of diversion is within the SE1/4 SE1/4 Section 15, T.31N., R.45E., M.D.M. The place of use is 640 acres within Section 15, T.31N., R.45E., M.D.M.

Application 36068 was filed on October 20, 1978 by S. D. Orwitz to appropriate 6.0 c.f.s. of underground water for irrigation purposes. The point of diversion is within the NE1/4 SE1/4 Section 22, T.31N., R.45E., M.D.M. The place of use is 480 acres within Section 22, T.31N., R.45E., M.D.M.

Application 36069 was filed on October 20, 1978 by S. D. Orwitz to appropriate 6.0 c.f.s. of underground water for irrigation purposes. The point of diversion is within the NW1/4 NE1/4 Section 23, T.31N., R.45E., M.D.M. The place of use is 640 acres within Section 23, T.31N., R.45E., M.D.M.

II

Application 36388 was filed on January 2, 1979 by Donald E. and Louise Smith to appropriate 1.0 c.f.s. of underground water for quasi-municipal purposes. The point of diversion is within the NW1/4 NW1/4 Section 34, T.32N., R.45E., M.D.M. The place of use is within Section 34, T.32N., R.45E., M.D.M.

III

Application 37184 was filed on March 26, 1979 by Dean Gordon Potter to appropriate 8.0 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the NW1/4 SE1/4 Section 31, T.32N., R.45E., M.D.M. The place of use is 320 acres within the E1/2 of Section 31, T.32N., R.45E., M.D.M.

Application 37185 was filed on March 26, 1979 by Dean Gordon Potter to appropriate 8.0 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the NW1/4 NE1/4 Section 31, T.32N., R.45E., M.D.M. The place of use is 320 acres within the E1/2 of Section 31, T.32N., R.45E., M.D.M.

A protest to the granting of Applications 37184 and 37185 was filed on September 14, 1979 by residents of Mountain View Estates. The basis of the protest is the water level is dropping drastically, new pumps have been installed and wells have been dropped deeper. Residents of Mountain View Estates would like to be assured of water in the future.

A protest to the granting of Applications 37184 and 37185 was filed on September 18, 1979 by Lander County Commission. The basis of the protest is that the proposed well will interfere with existing wells serving the Town of Battle Mountain resulting in increased pumping costs and reduction in pumping capacity as result of the water table being lowered.

A protest to the granting of Applications 37184 and 37185 was filed on October 22, 1979 by Shanon and Lyle Malone. The basis of the protest is on the following grounds:

1. Father and son have already applied for 3 permits.
2. Too close to our own well.
3. If these irrigation wells are permitted it will make a total of 8 wells in one section - 50 acres.
4. We feel there is too much water for this amount of land.

IV

Application 37186 was filed on March 26, 1979 by Emerson H. Potter to appropriate 8.0 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the NE1/4 SW1/4 Section 31, T.32N., R.45E., M.D.M. The place of use is 320 acres within the W1/2 of Section 31, T.32N., R.45E., M.D.M.

Application 37187 was filed on March 26, 1979 by Emerson H. Potter to appropriate 8.0 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the NE1/4 NW1/4 Section 31, T.32N., R.45E., M.D.M. The place of use is 320 acres within the W1/2 of Section 31, T.32N., R.45E., M.D.M.

Protests to the granting of Applications 37186 and 37187 were filed on September 14, 1979 by residents of Mountain View Estates; on September 18, 1979 by Lander County Commission and on October 22, 1979 by Shanon and Lyle Malone. The basis of the protests are the same as those filed under protested Applications 37184 and 37185.

V

Application 37265 was filed on March 28, 1979 by Joni Lyn Pletcher to appropriate 5.4 c.f.s. of underground water for irrigation purposes. The point of diversion is within the SE1/4 NE1/4 Section 1, T.31N., R.44E., M.D.M. The place of use is 320 acres within the E1/2 of Section 1, T.31N., R.44E., M.D.M.

A protest to the granting of Application 37265 was filed on November 20, 1979 by Emerson and Lillian Potter. The basis of the protest is that the land upon which the water would be developed and used is subject to Desert Land Entry acceptance by the Bureau of Land Management. No decision has yet been made. Permission to appropriate said water should be granted to the successful applicant of the applicable Desert Land Entry.

A protest, not timely filed, was received from Lander County Commissioners.

VI

Application 37285 was filed on March 29, 1979 by Marilyn A. Ramsdell to appropriate 2.7 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the SW1/4 SE1/4 Section 9, T.31N., R.44E., M.D.M. The place of use is 160 acres within the SE1/4 of Section 9, T.31N., R.44E., M.D.M.

Application 37286 was filed on March 29, 1979 by Marilyn A. Ramsdell to appropriate 2.7 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the NW1/4 NW1/4 Section 15, T.31N., R.44E., M.D.M. The place of use is 160 acres within the NW1/4 of Section 15, T.31N., R.44E., M.D.M.

RULING
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A protest to the granting of Applications 37285 and 37286 was filed on December 17, 1979 by Tom-Marvel Ranches, Inc., Thomas J. Marvel, Henry Fillippini, LeRoy Horn and Robert Chiara. The basis of the protest is on the following grounds:

1. Protestant holds vested, permitted and adjudicated water rights for both surface and subsurface water within the basin which is the source for this Application and granting the application will adversely affect the present water rights of the protestant.
2. The season of use (1-1 to 12-31) exceeds the growing season and therefore, exceeds the amount of water required for irrigation.
3. The use applied for exceeds the use of the water which can be reasonably and economically used as limited by N.R.S. 533.060.
4. Some land in the vicinity of the proposed source have doubtful capabilities to produce reasonable crops and the use of the water for such a questionable purpose would not be in the best interest of the State of Nevada.
5. Protestant holds lands within the drainage basin which are suitable for reclamation with the use of subsurface water and granting of this application may preclude any additional applications for use of water on lands of known capabilities and prevent completion of planned reclamation.
6. The proposed source locations within the group of applications #37285 through #37304 places as many as 4 wells in one section which would be detrimental to further development in that area and to existing water rights to the subsurface source.
7. The notice does not contain the address of the applicant as required by N.R.S. 533.060 and is therefore defective.
8. If the application does not describe the land to be irrigated as required by N.R.S. 533.060 (1), it is defective.
9. Protestants are informed and believe that the 19 applications #37285 through #37304 have been filed by one group of family investors under the Desert Land Entry Program; that the lands to be irrigated are vacant public lands not owned by the applicants; that the applicants have no authority or right to use, occupy, improve or convey the lands or to apply the waters to beneficial use on such lands.
10. That the proposed applications places too many wells too close together which will result in an excessive draw-down of the subsurface waters in that immediate area.

A protest to the granting of Applications 37285 and 37286 was filed on December 27, 1979 by Duval Corporation. The basis of the protest is that the applicant is the holder of Certificate No. 7630, Application No. 22883, with a right to divert 2.88 c.f.s. of water from the same underground basin in which the applicant proposes to divert water. Duval Corporation's water right is utilized in connection with the operation of its copper mine and valuable mineral producing facilities. Protestant believes the granting of the above applications may interfere with protestant's rights. The proposed annual use of the above applications exceed the normal irrigation season. Protestant reserves the right to assert any and all possible basis for this protest at the time of the hearing thereon.

VII

Application 37287 was filed on March 29, 1979 by Leon Belaustegui to appropriate 2.7 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the SE1/4 NW1/4 Section 16, T.31N., R.46E., M.D.M. The place of use is 160 acres within the NW1/4 of Section 16, T.31N., R.46E., M.D.M.

Application 37288 was filed on March 29, 1979 by Leon Belaustegui to appropriate 2.7 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the SE1/4 SW1/4 Section 16, T.31N., R.46E., M.D.M. The place of use is 160 acres within the SW1/4 of Section 16, T.31N., R.46E., M.D.M.

A protest to the granting of Applications 37287 and 37288 was filed on December 5, 1979 by Lander County Commissioners. The basis of the protests are the same as those filed under protested Applications 37184, 37185, 37186 and 37187.

A protest to the granting of Applications 37287 and 37288 was filed on December 17, 1979 by Tom Marvel Ranches, Inc. The basis of the protests are the same as those filed under protested Applications 37285 and 37286.

VIII

Application 37289 was filed on March 29, 1979 by Thomas L. Belaustegui to appropriate 2.7 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within Lot 4 Section 1, T.31N., R.44E., M.D.M. The place of use is 160 acres within Lot 3 and Lot 4 Section 1, T.31N., R.44E., M.D.M.

Application 37290 was filed on March 29, 1979 by Thomas L. Belaustegui to appropriate 2.7 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the NW1/4 SW1/4 Section 1, T.31N., R.44E., M.D.M. The place of use is 160 acres within the SW1/4 of Section 1, T.31N., R.44E., M.D.M.

A protest to the granting of Applications 37289 and 37290 was filed on December 5, 1979 by Lander County Commissioners. The basis of the protests are the same as those filed under protested Applications 37184, 37185, 37186, 37187, 37287 and 37288.

A protest to the granting of Applications 37289 and 37290 was filed on December 17, 1979 by Tom Marvel Ranches, Inc. The basis of the protests are the same as those filed under protested Applications 37285, 37286, 37287 and 37288.

A protest to the granting of Applications 37289 and 37290 was filed on December 27, 1979 by Duval Corporation. The basis of the protests are the same as those filed under protested Applications 37285 and 37286.

IX

Application 37291 was filed on March 29, 1979 by Neva Bida to appropriate 2.7 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the SW1/4 SE1/4 Section 31, T.32N., R.45E., M.D.M. The place of use is 160 acres within the SE1/4 of Section 31, T.32N., R.45E., M.D.M.

Application 37292 was filed on March 29, 1979 by Neva Bida to appropriate 2.7 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the SW1/4 NE1/4 Section 31, T.32N., R.45E., M.D.M. The place of use is 160 acres within the NE1/4 of Section 31, T.32N., R.45E., M.D.M.

A protest to the granting of Applications 37291 and 37292 was filed on December 5, 1979 by Lander County Commissioners. The basis of the protests are the same as those filed under protested Applications 37184, 37185, 37186, 37187, 37287, 37288, 37289 and 37290.

A protest to the granting of Applications 37291 and 37292 was filed on December 17, 1979 by Tom Marvel Ranches, Inc. The basis of the protests are the same as those filed under protested Applications 37285, 37286, 37287, 37288, 37289 and 37290.

A protest to the granting of Applications 37291 and 37292 was filed on December 27, 1979 by Duval Corporation. The basis of the protests are the same as those filed under protested Applications 37285, 37286, 37289 and 37290.

X

Application 37293 was filed on March 29, 1979 by David W. Ramsdell to appropriate 2.7 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the NW1/4 SE1/4 Section 3, T.31N., R.44E., M.D.M. The place of use is 160 acres within the SE1/4 of Section 3, T.31N., R.44E., M.D.M.

Application 37294 was filed on March 29, 1979 by David W. Ramsdell to appropriate 2.7 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the NW1/4 NW1/4 Section 11, T.31N., R.44E., M.D.M. The place of use is 160 acres within the NW1/4 of Section 11, T.31N., R.44E., M.D.M.

A protest to the granting of Applications 37293 and 37294 was filed on December 5, 1979 by Lander County Commissioners. The basis of the protests are the same as those filed under protested Applications 37184, 37185, 37186, 37187, 37287, 37288, 37289, 37290, 37291 and 37292.

A protest to the granting of Applications 37293 and 37294 was filed on December 17, 1979 by Tom Marvel Ranches, Inc. The basis of the protests are the same as those filed under protested Applications 37285, 37286, 37287, 37288, 37289, 37290, 37291 and 37292.

A protest to the granting of Applications 37293 and 37294 was filed on December 27, 1979 by Duval Corporation. The basis of the protests are the same as those filed under protested Applications 37285, 37286, 37289, 37290, 37291 and 37292.

XI

Application 37295 was filed on March 29, 1979 by Patty McQueen to appropriate 2.7 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the NW1/4 SE1/4 Section 17, T.31N., R.44E., M.D.M. The place of use is 160 acres within the SE1/4 of Section 17, T.31N., R.44E., M.D.M.

Application 37296 was filed on March 29, 1979 by Patty McQueen to appropriate 2.7 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the NW1/4 NW1/4 Section 21, T.31N., R.44E., M.D.M. The place of use is 160 acres within the NW1/4 of Section 21, T.31N., R.44E., M.D.M.

A protest to the granting of Applications 37295 and 37296 was filed on December 17, 1979 by Tom Marvel Ranches, Inc. The basis of the protests are the same as those filed under protested Applications 37285, 37286, 37287, 37288, 37289, 37290, 37291, 37292, 37293 and 37294.

A protest to the granting of Applications 37295 and 37296 was filed on December 27, 1979 by Duval Corporation. The basis of the protests are the same as those filed under protested Applications 37285, 37286, 37289, 37290, 37291, 37292, 37293 and 37294.

XII

Application 37297 was filed on March 29, 1979 by Toni S. Belaustegui to appropriate 2.7 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the SW1/4 NE1/4 Section 1, T.31N., R.44E., M.D.M. The place of use is 160 acres within Lot 1 and 2 of Section 1, T.31N., R.44E., M.D.M.

Application 37298 was filed on March 29, 1979 by Toni S. Belaustegui to appropriate 2.7 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within Lot 6 Section 1, T.31N., R.44E., M.D.M. The place of use is 160 acres within Lot 5, 6, 7 and 8 Section 1, T.31N., R.44E., M.D.M.

A protest to the granting of Applications 37297 and 37298 was filed on December 5, 1979 by Lander County Commissioners. The basis of the protests are the same as those filed under protested Applications 37184, 37185, 37186, 37187, 37287, 37288, 37289, 37290, 37291, 37292, 37293 and 37294.

A protest to the granting of Applications 37297 and 37298 was filed on December 17, 1979 by Tom Marvel Ranches, Inc. The basis of the protests are the same as those filed under protested Applications 37285, 37286, 37287, 37288, 37289, 37290, 37291, 37292, 37293, 37294, 37295 and 37296.

A protest to the granting of Applications 37297 and 37298 was filed on December 27, 1979 by Duval Corporation. The basis of the protests are the same as those filed under protested Applications 37285, 37286, 37289, 37290, 37291, 37292, 37293, 37294, 37295 and 37296.

XIII

Application 37299 was filed on March 29, 1979 by Velma Belaustegui to appropriate 2.7 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the SE1/4 SE1/4 Section 16, T.31N., R.46E., M.D.M. The place of use is 160 acres within the SE1/4 of Section 16, T.31N., R.46E., M.D.M.

Application 37300 was filed on March 29, 1979 by Velma Belaustegui to appropriate 2.7 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the SE1/4 NE1/4 Section 16, T.31N., R.46E., M.D.M. The place of use is 160 acres within the NE1/4 of Section 16, T.31N., R.46E., M.D.M.

A protest to the granting of Applications 37299 and 37300 was filed on December 5, 1979 by Lander County Commissioners. The basis of the protests are the same as those filed under protested Applications 37184, 37185, 37186, 37187, 37287, 37288, 37289, 37290, 37291, 37292, 37293, 37294, 37297 and 37298.

A protest to the granting of Applications 37299 and 37300 was filed on December 17, 1979 by Tom Marvel Ranches, Inc. The basis of the protests are the same as those filed under protested Applications 37285, 37286, 37287, 37288, 37289, 37290, 37291, 37292, 37293, 37294, 37295, 37296, 37297 and 37298.

XIV

Application 37301 was filed on March 29, 1979 by Mickey Tognoni to appropriate 2.7 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the NW1/4 SW1/4 Section 28, T.31N., R.44E., M.D.M. The place of use is 160 acres within the SW1/4 of Section 28, T.31N., R.44E., M.D.M.

Application 37302 was filed on March 29, 1979 by Mickey Tognoni to appropriate 2.7 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the NW1/4 NW1/4 Section 28, T.31N., R.44E., M.D.M. The place of use is 160 acres within the NW1/4 of Section 28, T.31N., R.44E., M.D.M.

A protest to the granting of Applications 37301 and 37302 was filed on December 17, 1979 by Tom Marvel Ranches, Inc. The basis of the protests are the same as those filed under protested Applications 37285, 37286, 37287, 37288, 37289, 37290, 37291, 37292, 37293, 37294, 37295, 37296, 37297, 37298, 37299 and 37300.

A protest to the granting of Applications 37301 and 37302 was filed on December 27, 1979 by Duval Corporation. The basis of the protests are the same as those filed under protested Applications 37285, 37286, 37289, 37290, 37291, 37292, 37293, 37294, 37295, 37296, 37297 and 37298.

XV

Application 37303 was filed on March 29, 1979 by Sam L. Bida to appropriate 2.7 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within Lot 2 Section 31, T.32N., R.45E., M.D.M. The place of use is 160 acres within Lot 1 and 2 of Section 31, T.32N., R.45E., M.D.M.

Application 37304 was filed on March 29, 1979 by Sam L. Bida to appropriate 2.7 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within Lot 4 Section 31, T.32N., R.45E., M.D.M. The place of use is 160 acres within Lot 3 and 4 of Section 31, T.32N., R.45E., M.D.M.

A protest to the granting of Applications 37303 and 37304 was filed on December 5, 1979 by Lander County Commissioners. The basis of the protests are the same as those filed under protested Applications 37184, 37185, 37186, 37187, 37287, 37288, 37289, 37290, 37291, 37292, 37293, 37294, 37297, 37298, 37299 and 37300.

A protest to the granting of Applications 37303 and 37304 was filed on December 17, 1979 by Tom Marvel Ranches, Inc. The basis of the protests are the same as those filed under protested Applications 37285, 37286, 37287, 37288, 37289, 37290, 37291, 37292, 37293, 37294, 37295, 37296, 37297, 37298, 37299, 37300, 37301 and 37302.

A protest to the granting of Applications 37303 and 37304 was filed on December 27, 1979 by Duval Corporation. The basis of the protests are the same as those filed under protested Applications 37285, 37286, 37289, 37290, 37291, 37292, 37293, 37294, 37295, 37296, 37297, 37298, 37301 and 37302.

XVI

A hearing was held before the State Engineer, after proper notice, in the matter of pending Applications 36063 through 36069 and 36388, and protested Applications 37184, 37185, 37186, 37187, 37265 and 37285 through 37304 on January 29, 1980 in Battle Mountain, Lander County, Nevada. 2/

Testimony presented in behalf of the Division of Water Resources reviewed the general hydrology of the Lower Reese River Valley. Water Resources Bulletin No. 32 was referenced for the estimate of perennial yield of 20,000 acre-feet to both the Lower Reese River Valley and Whirlwind Valley with the major portion of 80 to 85 per cent or 16,000 to 17,000 acre-feet perennial yield in Lower Reese River Valley. In addition, a statistical report dated April 25, 1977 was introduced in evidence reporting existing water rights totaling 26,000 acre-feet. Testimony given indicated an update of this statistical report would show additional rights because additional permits have been issued since 1977.

Testimony in behalf of Lander County established that at the present time municipal water service for the Town of Battle Mountain totals approximately 400 acre-feet from two wells. In addition, there are approximately 160 dwellings near the Town where individual wells are the source of water supply. Lander County expressed concern for the interference on the Town source of water supply of any wells drilled in a radius of five miles from the outer edges of the existing developed Town. Testimony was also given that artesian wells in Battle Mountain and vicinity were no longer flowing.

Testimony presented in behalf of the Tom Marvel Ranches described the reduced pressure in some irrigation wells requiring booster pumps in mid-season. Additional testimony confirmed the reduction in hydraulic pressure to stop the flow from artesian wells and a report of the decline of the water table.

Testimony presented in behalf of the Duval Corporation provided an update of the statistical report dated April 25, 1977 indicating that there is now certificated rights issued in the amount of 14,890 acre-feet, permitted rights granted in the amount of 24,479 acre-feet and pending applications in the amount of 28,227 acre-feet. Testimony presented the concerns that the granting of additional appropriations would have an adverse effect on existing water rights and recommended that the Lower Reese River basin be designated and preferred uses declared.

State Exhibit No. 35 is a letter dated November 27, 1979, from the Lander County Commissioners requesting that the State Engineer designate the Lower Reese River Ground Water Basin.

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 statute from granting a permit where:

- A. There is no unappropriated water at the source, or
- B. The proposed change conflicts with existing rights, or
- C. The proposed use threatens to prove detrimental to the public interest. 4/

III

The existing water rights of record now exceed the perennial yield in the Lower Reese River Valley. The present use of ground water in this basin has caused artesian wells to stop flowing and declines in the static water level. Additional demands on the ground water resource would tend to have an adverse effect on existing water rights.

IV

The State Engineer finds that conditions warrant the designation of the Lower Reese River Valley Ground Water Basin. Order No. 739 dated March 27, 1980 has been issued designating the Lower Reese River Valley Ground Water Basin, Lander and Eureka Counties, Nevada.

V

Applications 37303 and 37304 filed on March 29, 1979 by Sam L. Bida have been withdrawn by letter dated March 4, 1980 from Sam Bida.

RULING

I

Applications 36064, 36066, 36067, 36068 and 36069 are herewith denied on the grounds that the granting would tend to impair the value of existing rights and be otherwise detrimental to the public interest and welfare.

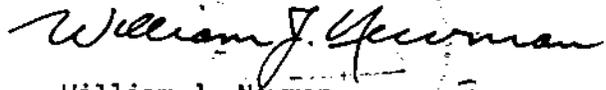
II

The protests to Applications 37184, 37185, 37186, 37187, 37265, 37285, 37286, 37287, 37288, 37289, 37290, 37291, 37292, 37293, 37294, 37295, 37296, 37297, 37298, 37299, 37300, 37301 and 37302 are upheld in part and these applications are hereby denied on the grounds that the granting would tend to impair the value of existing rights and be otherwise detrimental to the public interest and welfare.

III

Permits will be granted to Applications 36063, 36065 and 36388 on the grounds that the beneficial use is a preferred use of water in a designated ground water basin. Permits will be granted upon payment of the statutory permit fees.

Respectfully submitted,

A handwritten signature in cursive script that reads "William J. Newman". The signature is written in dark ink and is positioned above the typed name and title.

William J. Newman
State Engineer

WJN/bc

Dated this 8th day
of APRIL, 1980.

FOOTNOTES

1. Water Resources Bulletin No. 32 is a public record available in the office of the State Engineer.
2. Transcript of January 29, 1980, hearing is a public record available in the office of the State Engineer.
3. NRS 534.020.
4. NRS 533.370, Section 4.