

IN THE MATTER OF APPLICATION 29942)
FILED TO APPROPRIATE WATER FROM)
A RETURN DITCH IN SMITH VALLEY,)
LYON COUNTY, NEVADA.)

R U L I N G

GENERAL:

Application 29942 was filed on January 26, 1976 by 6-N Ranch, Inc., to appropriate 6.0 c.f.s., of water from a return ditch in Smith Valley, Nevada. The water is to be used for the irrigation of 949 acres within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 28, SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 29, S $\frac{1}{2}$, NE $\frac{1}{2}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ Section 32, SW $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 33, T.11N., R.24E., N $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 4, T.10N., R.24E., M.D.B.& M. The point of diversion is within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 32, T.11N., R.24E., M.D.B.& M.

The source of water is a return ditch and no additional permit is needed to reuse or recirculate waste irrigation water provided that the waste water has not left the irrigator's property. The waste water may only be reused on the irrigator's land with an appurtenant water right. The irrigation of additional land without appurtenant water rights would conflict with existing rights and threaten to prove detrimental to the public interest.

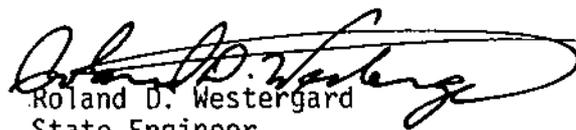
Existing underground water rights from the Smith Valley Ground Water Reservoir far exceed the estimated recharge from precipitation to the ground water reservoir.

Existing surface water rights far exceed the average annual flow of the Walker River Stream System.

RULING:

Application 29942 is denied on the grounds that an additional permit is not required to reuse waste irrigation water on the irrigator's land with an appurtenant water right. The irrigation of additional land without appurtenant water rights would conflict with existing rights and threaten to prove detrimental to the public interest.

Respectfully submitted,


Roland D. Westergard
State Engineer

RDW/JC/dc

Dated this 19th day
of October, 1977.