

CONCLUSIONS

I

The State Engineer has jurisdiction of the parties in the subject matter of this action in accordance with NRS 533.025 and NRS 533.030, subsection 1.

II

In accordance with NRS 533.370, subsection 4, the State Engineer is prohibited by law from granting a permit where:

- 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 welfare.

The annual duty of water allowed by the State Engineer for irrigation purposes within the Warm Springs Valley Basin is 4.0 acre-feet per acre per annum. Therefore, a total of 350.84 acre-feet per annum would be required for the irrigation of the 87.71 acres to be irrigated under Application 32629. This amount would be in addition to the existing ground water appropriations, since the proposed place of use under the application does not have existing ground water rights.

IV

To grant additional ground water rights under the subject application would exceed the 6,000 acre-foot limitation imposed within this concentrated area of pumpage and would conflict with existing rights and threaten to prove detrimental to the public welfare.

RULING

The protest to the granting of Application 32629 is hereby sustained and the application is herewith denied on the grounds that the granting of water rights for additional ground water development from the designated Warm Springs Valley Basin would conflict with existing rights and threaten to prove detrimental to the public welfare in this concentrated area where appropriations have reached estimates of the perennial yield.

Respectfully submitted,


Rolland D. Westergard
State Engineer

RDW/BAR/bl

Dated this 10th day
of FEBRUARY, 1978.