

IN THE MATTER OF APPLICATION 32840)
TO APPROPRIATE WATER FROM AN UNDER-)
GROUND SOURCE IN MIDDLE REESE RIVER)
VALLEY, LANDER COUNTY, NEVADA.)

R U L I N G

FINDINGS OF FACT 58

I

Application 32840 was filed on July 19, 1977 by Delbert G. and Jessica Lindsay for permission to appropriate 0.66 c.f.s. of water from an underground source. The water under this application is to be used for irrigation and domestic purposes on 38.5 acres within portions of the E1/2 SW1/4, Section 21, T.26N., R.43E., M.D.B.&M. 1/

II

The proposed points of diversion under these applications are located within the Middle Reese River Basin (Nevada Hydrographic Ground Water Basin No. 4-58), which was designated by State Engineer's Order No. 276 dated August 5, 1964, in accordance with the provisions of NRS 534.030.

III

Ground Water Resources Reconnaissance Series Report No. 19 estimates the perennial yield of the Middle Reese River Valley to be 14,000 acre-feet (Page 17).

IV

Certificates of appropriation have been issued within the Reese River Valley Ground Water Basin in the amount of 51,463.92 acre-feet, and permits have been issued within this basin for irrigation which would allow for the diversion of an additional 5,131 acre-feet. There are, therefore, a total of 56,594.92 acre-feet of water currently appropriated from the ground water basin. 2/

V

Application 32840 is to appropriate water from an underground source. The land to be irrigated under this application does not have an existing underground water right. 3/

VI

Should application 32840 be granted, and should subsequent development of groundwater under this permit detrimentally affect prior groundwater rights, the State Engineer is required by law to order withdrawals be restricted to conform to priority rights. 4/

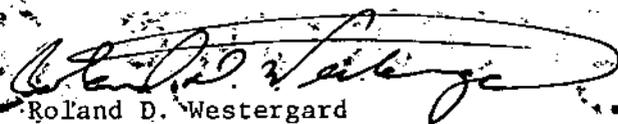
CONCLUSIONS

1. The State Engineer has jurisdiction of the parties and the subject matter of this action. 5/
2. 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. 6/
3. Existing water rights for the Middle Reese Valley Ground Water Basin exceed the estimated potential recharge from precipitation. The potential exists for additional pumpage under existing ground water rights which have not yet been developed. To grant additional water rights for irrigation from this limited ground water resource would adversely affect existing rights and threaten to prove detrimental to the public welfare.
4. The State Engineer is authorized and directed to designate preferred uses of water within designated ground water areas such as Middle Reese Valley. 7/ The consumptive use of additional ground water to irrigate additional land is not considered to be a preferred use of the limited ground water resources of the Middle Reese Valley Ground Water Basin.

RULING

Application 32840 is herewith denied on the grounds that the appropriation of underground water for irrigation as applied for would tend to impair the value of existing rights and would be detrimental to the public interest and welfare.

Respectfully submitted,


Roland D. Westergard
State Engineer

RDW/BLR/bl

Dated this 1st day
of JUNE, 1978.

FOOTNOTES

1. Public records in the office of the State Engineer.
2. Public records in the office of the State Engineer.
3. Public records in the office of the State Engineer.
4. NRS 534.110, subsections 3 and 6.
5. NRS 533.025 and 533.030, subsection 1.
6. NRS 533.370, subsection 4.
7. NRS 534.120, subsection 2.