

IN THE MATTER OF APPLICATION NO. 23916 }
FILED FOR THE WATERS OF AN UNDERGROUND }
SOURCE IN DIAMOND VALLEY, EUREKA COUNTY, }
NEVADA. }

R U L I N G

GENERAL:

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Application 23916 was filed on June 5, 1967, by Grace E. Krueger, to appropriate 2.0 c.f.s. of the waters of an underground source at a point in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 33, T. 21 $\frac{1}{2}$ N., R. 54E., M.D.B.&M., or at a point from which the SW corner of said Section 33 bears S. 75° 50' W., a distance of 278 feet. The water is to be used for the irrigation of 286.62 acres within the W $\frac{1}{2}$ of said Section 33.

The records in the office of the State Engineer indicate a conflict between this application and Permit 18522.

Permit 18522 was granted on October 6, 1960 to Joan Olive Krueger for 5.0 c.f.s. to be diverted within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 32, T. 21 $\frac{1}{2}$ N., R. 54E., M.D.B.&M., or at a point from which the SE corner of said Section 32 bears S. 45° 0' E., a distance of 141.42 feet. The water is used for the irrigation of the E $\frac{1}{2}$ of said Section 32.

The proposed point of diversion under Application 23916 is approximately 350 feet east of the existing well drilled under Permit 18522.

OPINION:

It is our opinion that the point of diversion, described under Application 23916, is within such close proximity to the well drilled under 18522 that the granting of Application 23916 would tend to impair the value of the existing right granted under Permit 18522.

RULING

Application 23916 is hereby denied on the grounds that its granting would tend to impair the value of an existing right.

Respectfully Submitted,


Roland D. Westergard
State Engineer

RDW:TJS:jb

Dated This 25th Day

of June, 1968.