



IN THE MATTER OF APPLICATION NOS. 14404, 14405, 14406)
 AND 14457 IN NAME OF FRED KERLEE TO APPROPRIATE GROUND :
 WATER FOR IRRIGATION AND DOMESTIC PURPOSES, PERSHING : RULING
 COUNTY, NEVADA.)

Application No. 14404 was filed July 7, 1952 by Fred Kerlee to appropriate 1.5 c.f.s. of ground water for irrigation and domestic purposes. The proposed point of diversion is in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 30, T. 33 N., R. 38 E. and the land to be irrigated, consisting of 320 acres, is located in the S $\frac{1}{2}$ of said Section 30.

Application No. 14405 was filed by Fred Kerlee on July 7, 1952 to appropriate 1.5 c.f.s. of ground water for irrigation and domestic purposes. The proposed point of diversion is in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 30, T. 33 N., R. 38 E. and the land to be irrigated is as described under Application No. 14404.

Application No. 14406 was filed by Fred Kerlee on July 7, 1952 to appropriate 1.5 c.f.s. of ground water for irrigation and domestic purposes. The proposed point of diversion is in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 30, T. 33 N., R. 38 E. and the land to be irrigated is as described under Application No. 14404.

Application No. 14457 was filed by Fred Kerlee on July 28, 1952 to appropriate 1.5 c.f.s. of ground water for irrigation and domestic purposes. The proposed point of diversion is in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 30, T. 33 N., R. 38 E. and the land to be irrigated is as described under Application No. 14404.

Notice of the above mentioned applications were published, as prescribed by law, for five weekly issues in the Review-Miner, a newspaper of general circulation in Pershing County.

On September 30, 1952 protests to the granting of permits under Applications Nos. 14404, 14405, 14406 and 14457 were filed by Lloyd, Gladys and Harrold Sweeney. The protests were based on the following grounds:

"That the granting of the application would adversely effect rights heretofore granted protestants under application numbers 12521, 13894, and vested rights to wells on lands belonging to protestants adjacent to the proposed well."

On May 15, 1953 a field investigation was made by H. E. Winchester, Ground-Water Hydrologist of the office of State Engineer.

GENERAL:

Applicant Kerlee is the owner of 320 acres of land located in the S $\frac{1}{2}$ Section 30, T. 33 N., R. 38 E. He proposes to utilize the water from the four wells covered by the above numbered applications to irrigate the 320 acre tract. Well No. 1 applied for under Application

No. 14404 is already drilled and a pump has been installed. The well is 100 feet in depth, cased with 14 inch casing which is perforated from 48 feet below the surface to the bottom of the well. This well is located about $1\frac{1}{4}$ miles southeasterly from the well of Protestant under Certificate No. 3774 (Permit No. 12521).

Protestant Sweeney is the owner of Certificate No. 3774, issued under Permit No. 12521, in the amount of 1.5 c.f.s., or 247.24 acre-feet per season. The well covered by this water right is 100 feet deep and is equipped with a Pomona turbine pump. Protestant Sweeney at one time had another permit to appropriate ground water (Permit No. 13894 mentioned in the protest) for irrigation purposes. The proposed point of diversion under Permit No. 13894 was in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 13, T. 33 N., R. 37 E. However, this permit was cancelled December 8, 1952 for failure to comply with the provisions of the permit. The protestant probably owns certain other vested rights to the use of ground water which are undetermined.

The location of the proposed wells by Applicant Kerlee are up-grade from the wells owned by Protestant Sweeney. It is our opinion that there should be no interference between the wells of Protestant and the proposed wells of Applicant. Clear Creek, which is one of the major contributors of water to the ground water basin, enters the valley directly east from Protestant's property and downstream from Applicant's proposed diversions.

Previous investigations by the U. S. Geological Survey indicates an average annual replenishment of several thousand acre-feet of water to the ground water basin. Much of this water is lost by transpiration by non-beneficial plants such as salt grass and greesewood.

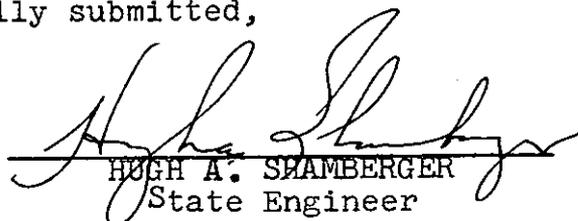
RULING:

Being of the opinion that there is unappropriated ground water in the area covered by Applications Nos. 14404, 14405, 14406 and 14457, and that the diversions thereof would not be detrimental to Protestant's interests, the protests of Lloyd, Gladys and Harrold Sweeney are herewith overruled and permits will be issued subject to all existing rights and with the following provisions:

- (1) That wells all be equipped with air line gages;
- (2) That measuring devices, preferably Parshall flumes, be installed near each point of diversion; and
- (3) That a record be kept of the number of hours pumped each year, together with the discharge.

Permits will be issued following receipt of permit fees of \$21.00 under each application.

Respectfully submitted,


HUGH A. STAMBERGER
State Engineer

June 16, 1953.