

IN THE MATTER OF APPLICATION 22196)
FILED BY THE U. S. BUREAU OF SPORT)
FISHERIES AND WILDLIFE TO APPRO-)
PRIATE WATER FROM LOWER PAHRANAGAT)
LAKE AND TRIBUTARIES IN LINCOLN)
COUNTY, NEVADA.)

RULING

GENERAL:

Application 22196 was filed on August 21, 1964 by the U. S. Bureau of Sport Fisheries and Wildlife to appropriate 1.52 c.f.s. of water from Lower Pahrana-gat Lake and Tributaries for operation and maintenance of a National Wildlife Refuge including irrigation from January 1st through December 31st of each year. The point of diversion is described as being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 31, T. 8 S., R. 62 E., M.D.B.&M., and the place of use is described as being 151.8 acres in portions of Lot 3, Sec. 30 ; Lots 5 and 6 Sec. 31, T. 8 S., R. 62 E., NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 3; NE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 4; SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 5; NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 6, T. 9 S., R. 62 E., M.D.B.&M.

Application 22196 was protested on October 16, 1964 by the Alamo Irrigation Company on the following grounds:

"That if previous applications now pending for agricultural purposes in the Pahrana-gat Lakes area are satisfied there will be no water available for such application. Also would place in jeopardy at present approved appropriation of the Alamo Irrigation Co., Inc."

and on October 19, 1967 by Erwin Burns on the following grounds:

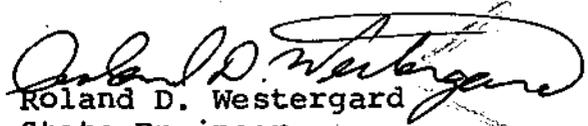
- "1. The water for which application is made is subject to presently existing rights and is therefore not open to appropriation.
2. The water has previously been made appurtenant to land other than that stated in the application.
3. The application is for water from more than one source.
4. The granting of the application would be detrimental to the public welfare.
5. The granting of the application would impair or tend to impair existing rights."

A review of the records in the State Engineer's Office show no rights of record downstream or below the proposed point of diversion under Application 22196, therefore any water reaching this point of diversion would be subject to appropriation.

RULING

The protests to the granting of a permit under Application 22196 are herewith overruled and a permit will be granted subject to existing rights upon receipt of the statutory permit fees. The source from which the waters are sought to be appropriated, is subject to an existing decree and further subject to an Order of the State Engineer (No. 299 dated March 22, 1966); therefore, a permit will be issued with the understanding that regulation and distribution will be in conformance with said order and decree and other existing water rights.

Respectfully submitted


Roland D. Westergard
State Engineer

RDW:PGM:sb

Dated this 11th
day of February, 1971