

IN THE MATTER OF APPLICATIONS 25752,)
25753, AND 25754 FILED AUGUST 11, 1970,)
TO APPROPRIATE THE WATERS OF UNDERGROUND) R U L I N G
SOURCES IN DOUGLAS COUNTY, NEVADA BY)
FAIRFIELD RANCHES.)

106
Fairfield Ranches, a copartnership composed of Joseph T. Banner, Frank C. Bosler, and Ron Kincade, filed Applications 25752, 25753, and 25754 to appropriate water from underground sources for irrigation and domestic, irrigation, and irrigation and domestic purposes, respectively, on August 11, 1970.

The proposed point of diversion under Application 25752 is within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 24, T.10N., R.22E., M.D.B.&M.; the proposed place of use is described as 600 acres within the SW $\frac{1}{4}$ Sec. 13, SE $\frac{1}{4}$ Sec. 14, NE $\frac{1}{4}$ Sec. 23 and NW $\frac{1}{4}$ Sec. 24, all in T.10N., R.22E., M.D.B.&M. The amount of water applied for is 6.0 c.f.s.

The point of diversion proposed under Application 25753 is within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 26, T.10N., R.22E., M.D.B.&M., the proposed place of use is 400 acres within the NE $\frac{1}{4}$ Sec. 26, SE $\frac{1}{4}$ Sec. 23, and portions of the N $\frac{1}{2}$ Sec. 25 and Sec. 25, all in T.10N., R.22E., M.D.B.&M. Application is made to divert 5.0 c.f.s. of water.

Under Application 25754, the proposed point of diversion is within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 25, T.10N., R.22E., M.D.B.&M. It is proposed to divert 6.0 c.f.s. of water to irrigate 400 acres, portions of the NE $\frac{1}{4}$ Sec. 25, SE $\frac{1}{4}$ Sec. 24, T.10N., R.22E., M.D.B.&M.; the SE $\frac{1}{4}$ Sec. 30, SW $\frac{1}{4}$, NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 19, T.10N., R.23E., M.D.B.&M.

The Walker River Irrigation District filed identical protests on Oct. 16, 1970, against Applications 25752, 25753, and 25754, the grounds of the said protests being as follows:

"The site of said proposed well is within or borders the Hoyer Canyon Dam site previously acquired and approved as a reservoir site for the W.R.I.D.; and such well would adversely impair and affect such prior reservoir rights and is incompatible with reservoir construction and operation.

"That if such application be approved, it be specifically conditioned and approved for temporary use only, such use to cease upon commencement of reservoir construction and that applicant be required to seal any well drilled to prevent heavy water loss from the reservoir to underground strata."

The protests ask that the applications be denied or conditioned subject to prior rights and above terms.

The proposed points of diversion are within or near, and the proposed places of use are within, the high-water mark of the reservoir to be created by the impoundment of the waters of the West Walker River by Hoyer Canyon Dam, proposed to be constructed by the Walker River Irrigation District under Permit 9405. The proposed points of diversion are near the West Walker River as follows:

25752:	Approx.	5200 feet
25753:	"	3100 feet
25754:	"	1400 feet

The topography of the area indicates that the proposed points of diversion are within the flood plain of the West Walker River.

The lands within the proposed places of use are described in deeds dated November 30, 1946, and December 5, 1947, from the Walker River Irrigation District to Freeman E. Fairfield, the predecessor in interest to Fairfield Ranches. The said deeds reserve to the Walker River Irrigation District the right to store water up to the 5010 contour, to withdraw water, and to fill and refill the reservoir.

Joseph T. Banner, Frank C. Bostler and Ron Kincade, the co-partners of Fairfield Ranches, are the owners of record of Certificates of Appropriation of Water Nos. 4834, 4927, and 4928 which were issued under Permit Nos. 12884, 12885, and 13013, respectively; to appropriate water from underground for irrigation. The points of diversion described in each of the enumerated certificates are also within the high-water mark of the said reservoir.

A field investigation in the matter of Applications 25752, 25753, and 25754 was held on February 18, 1971. The wells at the proposed points of diversion are already constructed.

RULING

Permits will be issued, upon payment of the statutory permit fees, subject to existing rights, and further subject to the following provisions: if the wells from which the proposed diversions are to be made are reamed or otherwise enlarged, or redrilled, no perforation shall be put in the casing until the well is completed and the log available for study, and no perforations shall be put in the casing nearer than 100 feet from the surface, unless the log shows

a satisfactory confining formation nearer the surface; and, since the proposed points of diversion are located upon or near lands subject to inundation in the event Hoyer Canyon dam is built, all necessary precautions, subject to the approval of the State Engineer, shall be taken by the permittee to prevent drainage through wells of impounded surface water into the ground-water reservoir.

Respectfully submitted,


Roland D. Westergard
State Engineer

RDW:JCP:jw

Dated this 26th day of
March, 1971.