

IN THE MATTER OF APPLICATION 26337)
BY ALPHONSO AND MARJORY MARTIN)
TO APPROPRIATE THE WATERS OF AN)
UNDERGROUND SOURCE IN WHITE PINE)
COUNTY, NEVADA)

R U L I N G

GENERAL:

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Application 26337 was filed on September 28, 1971 by Alphonso and Marjory Martin to appropriate 2.0 c.f.s. of water from an underground source within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 11, T.16N., R.63E., M.D.B.&M. The place of use is 23.0 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec.2, and the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec.11, T.16N., R.63E., M.D.B.&M.

The granting of this application was protested on December 7, 1971 by the Ely Municipal Water Department. The grounds of the protest were that a 2.0 c.f.s. diversion would affect the Protestant's flowing well under Permit 22768 and springs located on the Georgetown Ranch.

The granting of this application was protested on January 14, 1972 by Devon Bellander. The grounds of the protest were that a permit under this application would impair and conflict with existing rights.

A field investigation in the matter of this application was held on April 13, 1972.

Mark Chilton, representing the Ely Municipal Water Department, indicated that their protest was mostly procedural and that they did not desire that the application be denied. He did feel that a 2.0 c.f.s. diversion for the irrigation of 23 acres would be in excess of that reasonably required.

The protestant, Devon Bellander, has a well under Permit 24745, Certificate 7823, located approximately 800 feet to the southwest of Application 26337. This certificate allows for the diversion of 0.44 c.f.s. for the irrigation of 5.3 acres. The protestant also proposes to drill a well approximately 1150 feet to the south of Application 26337 under Application 26153. The only other permit within $\frac{1}{2}$ mile of the applicant's well is Robert Bransford's well under Permit 24556. This is reportedly a hand dug well approximately 15 feet deep.

The static water level in Martin's well was approximately 2.0 feet below the ground surface on the date of the investigation.

The granting of a permit under Application 26337 would not adversely affect existing rights.

RULING

The protests to the granting of Application 26337 are herewith overruled. A permit will be granted, upon receipt of the statutory permit fees, subject to existing rights and further subject to the provision that the amount of diversion shall not exceed 1.0 c.f.s.

Respectfully submitted,


Roland D. Westergard
State Engineer

RDW:BLR:ga

Dated this 3rd day of

May 1972