

IN THE MATTER OF APPLICATION 13603
FILED JANUARY 16, 1951 BY RENE W. LEMAIRE
AND WHICH WAS PROTESTED OCTOBER 1, 1951
BY AUGUSTE C. & MRS. A. C. LAMAIRE AND
THE TOWN BOARD OF BATTLE MOUNTAIN.

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RULING

GENERAL:

Application 13603 was filed January 16, 1951 by Rene W. Lemaire to appropriate 6.6 c.f.s. of water from an underground source to irrigate 660 acres of land. The point of diversion is located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 18, T. 32 N., R. 45 E. and the place of use is 660 acres in portions of Sections 18 and 19, T. 32 N., R. 45 E.

The application was protested by Auguste C. and Mrs. A. C. Lemaire on October 1, 1951 and by the Board of County Commissioners of Lander County, acting as the Town Board of Battle Mountain, on the same date.

On June 3, 4 and 5, 1952 a pumping test on the "Lemaire Well" was made by the U. S. Geological Survey, in cooperation with the State Engineer. The result of this test was published in mimeograph form in January 1953 by the U.S.G.S. While the test was being run, a moderate decline in artesian pressures in surrounding wells was noted.

OPINION:

It is the opinion of the State Engineer that continuous pumping of the "Lemaire Well", at a high rate of discharge, would, because of the close proximity of existing wells, have a limited adverse effect upon those wells; however, since the underground law provides for a reasonable lowering of the static water level

in order to promote the use of the maximum amount of available ground water, a permit should not be denied because of a lowering of the artesian head in the nearby wells.

The State Engineer feels that the amount of water applied for is excessive and beyond the capacity of the well to produce, and that the proposed irrigation of lands in Section 19 could better be served by a new well in another location, which would have less detrimental effect on the old existing wells.

RULING

The protests of Auguste C. & Mrs. A. C. Lemaire and the Town Board of Battle Mountain are overruled. A permit will be issued under Application 13603 upon receipt of the statutory fee, subject to the following limitations on the use of water:

1. The permit will be issued for 2.5 c.f.s. (approx. 1100 g.p.m.) as the maximum amount to be pumped.
2. Irrigation will be confined to the lands in Section 18, T. 32 N., R. 45 E.
3. Except in special instances, pumping should be limited to not more than twelve hours during any twenty-four hour period.

Respectfully submitted,

HUGH A. SHAMBERGER
State Engineer

By *Edmund Muth*
EDMUND MUTH
Assistant State Engineer

Dated this 30th day of
April, 1954.