

IN THE MATTER OF APPLICATIONS 28485)
THROUGH 28496, INCLUSIVE FILED BY)
MINLOVE, INC. TO APPROPRIATE WATER)
FROM AN UNDERGROUND SOURCE IN THE)
IMLAY AREA, PERSHING COUNTY, NEVADA.)

R U L I N G

72

GENERAL:

Applications 28485 through 28496 were filed on July 8, 1974 by Minlove, Inc. to appropriate water for irrigation purposes from an underground source in the Imlay area in Pershing County.

The point of diversion under Application 28485 is within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 12, T.34N., R.35E., MDM and the application is for 2.7 cfs to irrigate 160 acres within the E $\frac{1}{2}$ NE $\frac{1}{4}$, and SE $\frac{1}{4}$ of said Section 12.

The point of diversion under Application 28486 is within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 12 and the Application is for 2.7 cfs to irrigate 160 acres within the E $\frac{1}{2}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ of said Section 12.

The point of diversion under Application 28487 is within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 13, T.34N., R.35E., MDM. and the application is for 3.7 cfs to irrigate 220 acres within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 13.

The point of diversion under Application 28488 is within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 13 and the Application is for 3.7 cfs to irrigate 220 acres within the SW $\frac{1}{4}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$ of said Section 13.

The point of diversion under Application 28489 is within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 24, T.34N., R.35E., MDM and the Application is for 3.7 cfs to irrigate 220 acres within the NW $\frac{1}{4}$ Section 24, E $\frac{1}{2}$ NE $\frac{1}{4}$ and SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 23, T.34N., R.35E., MDM.

The point of diversion under Application 28490 is within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 24 and the Application is for 4.7 cfs to irrigate 280 acres within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 24, SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 23, T.34N., R.35E., MDM.

The point of diversion under Application 28491 is within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 25, T.34N., R.35E., MDM and the Application is for 3.7 cfs to irrigate 320 acres within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$ Section 25, NE $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$ Section 26, T.34N., R.35E., MDM.

The point of diversion under Application 28492 is within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ said Section 25 and the Application is for 6.0 cfs to irrigate 360 acres within the W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 25, S $\frac{1}{2}$ Section 26, T.34N., R.35E., MDM.

Ruling
Applications 28485 through 28496
Page Two

The point of diversion under Application 28493 is within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ said Section 25 and the Application is for 2.7 cfs to irrigate 160 acres within the NE $\frac{1}{4}$ said Section 25.

The point of diversion under Application 28494 is within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ said Section 25 and the Application is for 4.0 cfs to irrigate 240 acres within the S $\frac{1}{2}$ said Section 25.

The point of diversion under Application 28495 is within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 35, T.34N., R.35E., MDM and the Application is for 5.4 cfs to irrigate 320 acres within the E $\frac{1}{2}$ NE $\frac{1}{4}$ Section 34, N $\frac{1}{2}$ Section 35, T.34N., R.35E., MDM.

The point of diversion under Application 28496 is within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ said Section 35 and the Application is for 4.2 cfs to irrigate 250 acres within the S $\frac{1}{2}$ Section 35, E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 34, T.34N., R.35E., MDM.

Applications 28485 through 28496 were protested on September 17, 1974 by the Pershing County Water Conservation District on the grounds that; "The appropriation is being made from an underground source and will impair and injure existing rights of water users appropriating water from the Humboldt Stream System."

A hearing in the matter of the above applications was held on September 3, 1975 in Lovelock, Nevada. The transcript of this hearing is available in the office of the State Engineer.

In response to an indication from the State Engineer that 640 acres was the maximum acreage that could be allowed water rights under the subject applications, the applicant submitted information requesting permits be granted for 640 acres within the following described lands:

E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ Section 26, W $\frac{1}{2}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ Section 35, T.34N., R.35E., MDM.

RULING:

Protests to Applications 28492, 28495 and 28496 are hereby overruled and permits will be issued upon receipt of permit fees and made subject to existing prior rights and with the following conditions:

Ruling
Applications 28485 through 28496
Page Three

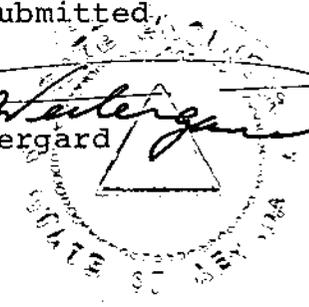
1. The duty of water is limited to 3.0 acre feet per acre per year of land irrigated from all sources.
2. The place of use under Permits 28492, 28495 and 28496 is limited to a total of 640 acres on the following lands:

E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ Section 26, W $\frac{1}{2}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ Section 35, T.34N., R.35E., MDM.

Applications 28485 through 28491, inclusive, and 28493 and 28494 are hereby denied on the grounds that the granting of additional rights within this area of concentration would be detrimental to the orderly development of the ground water basin and tend to impair the value of existing water rights.

Respectfully submitted,


Roland D. Westergard
State Engineer



RDW:JLC:sk

Dated this 18th day
of February, 1976.