

IN THE MATTER OF APPLICATIONS)
30055 THROUGH 30061, INCLUSIVE,)
FILED BY ABE FOX TO CHANGE THE)
MANNER OF USE OF THE WATER OF)
AN UNDERGROUND SOURCE HERETOFORE)
APPROPRIATED IN WHITE RIVER VALLEY,)
WHITE PINE COUNTY, NEVADA.)

R U L I N G

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GENERAL:

Application 30055 was filed on March 5, 1976 by Abe Fox to change the manner of use of water heretofore appropriated under Permit 27025. The application proposes to change the manner of use of 2.7 c.f.s. of water from quasi-municipal purposes to irrigation and domestic purposes. The water is to be diverted from an underground source within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 9, T.12N., R.62E., M.D.B.&M. The place of use is 800 acres within the E $\frac{1}{2}$ E $\frac{1}{2}$ Section 8, W $\frac{1}{2}$ Section 9, NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ and the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 16, T.12N., R.62E., M.D.B.&M.

Application 30056 was filed on March 5, 1976 by Abe Fox to change the manner of use of water heretofore appropriated under Permit 27029. The application proposes to change the manner of use of 0.8 c.f.s. of water from recreation purposes to irrigation and domestic purposes. The water is to be diverted from an underground source in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 9, T.12N., R.62E., M.D.B.&M. The point of diversion is the same as that of Application 30055. The place of use is the same as that of Application 30055.

Application 30057 was filed on March 5, 1976 by Abe Fox to change the manner of use of water heretofore appropriated under Permit 27026. The application proposes to change the manner of use of 4.6 c.f.s. of water from quasi-municipal purposes to irrigation and domestic purposes. The water is to be diverted from an underground source within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 9, T.12N., R.62E., M.D.B.&M. The place of use is the same as that of Application 30055.

Application 30058 was filed on March 5, 1976 by Abe Fox to change the manner of use of water heretofore appropriated under Permit 27027. The application proposes to change the manner of use of 0.8 c.f.s. of water from recreation purposes to irrigation and domestic purposes. The point of diversion is the same as that of Application 30057. The place of use is the same as that of Application 30055.

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Application 30059 was filed March 5, 1976 by Abe Fox to change the manner of use of water heretofore appropriated under Permit 27031. The application proposes to change the manner of use of 4.6 c.f.s. of water from quasi-municipal purposes to irrigation and domestic purposes. The water is to be diverted from an underground source within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 16, T.12N., R.62E., M.D.B.&M. The place of use is the same as that of Application 30055.

Application 30060 was filed March 5, 1976 by Abe Fox to change the manner of use of water heretofore appropriated under Permit 27028. The application proposes to change the manner of use of 4.6 c.f.s. of water from quasi-municipal purposes to irrigation and domestic purposes. The point of diversion and place of use are the same as that of Application 30055.

Application 30061 was filed on March 5, 1976 by Abe Fox to change the manner of use of 0.8 c.f.s. of water from recreation purposes to irrigation and domestic purposes. The point of diversion is the same as that of Application 30059. The place of use is the same as that of Application 30055.

All of the above numbered applications were protested by the State of Nevada, Department of Fish and Game on the following grounds: "Nicholas, Preston and Lund Springs are in close proximity of the proposed well. The springs contain White Mountain Sucker (*Pantosteu intermedius*) White River Spinedace (*Lepidomeda albivallis*) and White River Springfish (*Crenichthys baileyi*) which are listed as rare and are protected. Because pumping from the proposed well may cause lowering of the spring pools thus jeopardizing the rare fish therein, this protest is filed. However, since it is difficult or impossible to know whether the well would affect the spring pools until the well has been completed, we petition that if a permit is issued that it include the provision that "if at any time it can be proven or reasonably assumed that the water levels in the above spring pools are diminished by pumping from this well, then pumping shall be reduced to an acceptable level or stopped."

The protestant stated that the protest would be withdrawn if in the opinion of the protestant, adequate safeguards are provided for wildlife and its habitat. The protestant prays

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that the applications be issued only subject to the assurance that the fish and wildlife will not be affected at any time.

A field investigation in the matter of the above applications was held on July 20, 1976. It was explained to the applicant and the protestant that the proposed applications were applications to change and would not constitute withdrawal of additional water from the ground water basin.

RULING:

The protest to the granting of Applications 30055 through 30061, inclusive, are herewith overruled on the grounds that the granting of permits to the proposed applications would not adversely affect existing rights or be otherwise detrimental to the public welfare.

Permits will be granted under Applications 30055 through 30061, inclusive, subject to existing rights and further subject to the condition that the Proof of Commencement and Completion shall be filed within 90 days of the issuance of permits and that the Proofs of Beneficial Use shall be filed within one year of the date of the issuance of the permit.

Respectfully submitted,


Roland D. Westergard
State Engineer

RDW:BLR:sk

Dated this 16th day
of August, 1976.