

IN THE MATTER OF APPLICATION 31730)
FILED TO APPROPRIATE THE WATERS OF)
AN UNDERGROUND SOURCE IN EAGLE }
VALLEY, NEVADA. }

R U L I N G

104

GENERAL:

Application 31730 was filed on May 17, 1977 by Alvin B. and Marilyn L. Smith to appropriate 0.10 c.f.s. of water for quasi-municipal and domestic purposes. The application proposes to serve two residences located within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 23, T.15N., R.19E., M.D.B. & M. 1 /

FINDINGS OF FACT:

A protest to the granting of Application 31730 was filed August 31, 1977 by Arvin E. and Wanda L. Boerlin and others. The grounds of the protest were that: "1. There shall be no more than two houses erected on said parcel, the second house to be used only as a guest house or as servant's quarters. 2. No buildings erected on the subject property may be used for commercial purposes. 3. There are no provisions excepting rental of the guest dwelling from the commercial-use restriction." The protest also stated: "Said request for 0.10 second feet of water is far in excess of normal single-family usage and would adversely affect the availability of water to other property owners in the area." 2 /

A field investigation concerning Application 31730 and the protest filed thereunder, was held on November 9, 1977. At the investigation it was determined that the applicants have previously constructed two residences on their 3.6 acre parcel. Both residences are presently being served by the well under Application 31730. The applicants intend to divide the parcel into two separate parcels and continue serving both residences with the one well. 3 /

CONCLUSIONS:

I

The State Engineer has jurisdiction of the parties in the subject matter of this action. 4 /

II

The granting of a permit under Application 31730 for the amount of water use applied for would not tend to impair the value of existing rights or be otherwise detrimental to the public welfare.

RULING:

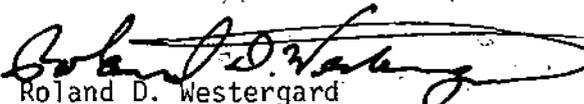
The protest to the granting of Application 31730 is herewith overruled on the grounds that the granting of a permit for the amount of water applied for and the use applied for would not tend to impair the value of existing rights or be otherwise detrimental to the public welfare. A permit will be granted under Application 31730 upon receipt of the filing fees. The permit will be expressly subject to the following conditions:

1. The maximum amount of diversion allowed under the permit will be limited to 0.05 c.f.s., not to exceed 2000 gallons per day and 0.73 million gallons per year.

2. A totalizing meter must be installed and maintained in the discharge pipeline, near the point of diversion, and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of water begins or before the Proof of Completion of Work is filed.

3. The permit will be subject to all existing rights on the source.

Respectfully submitted,


Roland D. Westergard
State Engineer

RDW/BLR/dc

Dated this 15th day
of November 1977.

FOOTNOTES

1. Information on file in State Engineer's Office.
2. Information on file in State Engineer's Office.
3. Report of Field Investigation on file in the State Engineer's Office.
4. NRS 533.025 and 533.030, subsection 1.