

IN THE MATTER OF APPLICATION 35439)
FILED BY BEVERLY A. HUGHETT TO)
APPROPRIATE WATER FROM AN UNDERGROUND)
SOURCE IN DODGE FLAT, WASHOE COUNTY,)
NEVADA.)

R U L I N G

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GENERAL:

Application 35439 was filed May 17, 1978 by Beverly A. Hughett to appropriate 0.223 c.f.s. of water from an underground source for domestic purposes. The proposed point of diversion is within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 4, T.20N., R.24E., M.D.B.& M. The place of use is described as being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 4, T.20N., R.24E. The period of use is January 1 to December 31 of each year.

OPINION:

The granting of a water right from an underground source for domestic purposes only would not afford the applicant any use that is not already provided for under NRS 534.010 and NRS 534.180. Under 534.010 and NRS 534.180 the statute provides domestic use to be limited to a single family dwelling where the draught of water does not exceed 1800 gallons per day and further provides that a permit is not required for domestic purposes.

RULING:

Application 35439 is hereby denied on the grounds that domestic wells are provided for under NRS 534.010 and NRS 534.180 without the requirement of a permit and to grant such a permit within the Dodge Flat Basin would infer the granting of some right or assurance that the applicant was not otherwise afforded such as regulation of other withdrawals to maintain water levels.

Respectfully submitted,



William J. Newman
State Engineer

WJN/BAR/dh

Dated this 27th day
of February 1979.