

IN THE MATTER OF APPLICATION)
36289 FILED TO APPROPRIATE)
UNDERGROUND WATER IN THE)
CLOVERS AREA, LANDER COUNTY,))
NEVADA.)

R U L I N G

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Application 36289 was filed on December 15, 1978, by Fort Valley Estates, Inc. to appropriate 2.5 c.f.s. of underground water to irrigate 160 acres. The point of diversion is within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 26, T.34N., R.44E., M.D.M. and the place of use is within the NE $\frac{1}{4}$ said Sec. 26.

Application 36289 is to appropriate water from an area of concentrated wells in the Clovers area. Measurements and affidavits indicate lowering water tables in this area of concentrated underground water rights and previous applications to irrigate have been denied. (See attached Ruling denying Applications 29480 through 29501, 29706, 29793, 29794, 29795, 30071, 30427, 30984 and 31753.)

RULING

Application 36289 is denied on the grounds that to grant an additional irrigation water right in this concentrated area would conflict with existing rights and threaten to prove detrimental to the public interest.

Respectfully submitted;

William J. Newman

William J. Newman
State Engineer

WJN:JC:jw

Dated this 20th day

of June, 1979

IN THE MATTER OF APPLICATIONS 29480)
 THROUGH 29501, 29706, 29793, 29794,))
 29795, 30071, 30427, 30984 AND))
 31753 TO APPROPRIATE WATER FROM AN))
 UNDERGROUND SOURCE IN THE CLOVER'S))
 AREA, LANDER COUNTY, NEVADA.))

R U L I N G

Applications 29480 through 29501 were filed on July 27, 1975 by Southern Pacific Land Co. to appropriate underground water. Each application is for 2.0 c.f.s. of water for irrigation and domestic purposes.

The points of diversion and the place of use under Applications 29480, 29481, 29482 and 29483 are within Section 5, T.34N., R.45E., M.D.B. & M.

The points of diversion and the place of use under Applications 29484, 29485, 29486 and 29487 are within Section 7, T.34N., R.45E., M.D.B. & M.

The points of diversion and the place of use under Applications 29488 and 29489 are within the W $\frac{1}{2}$ Section 9, T.34N., R.45E., M.D.B. & M.

The points of diversion and the place of use under Applications 29490, 29491, 29492 and 29493 are within Section 17, T.34N., R.45E., M.D.B. & M.

The points of diversion and place of use under Applications 29494, 29495, 29496 and 29497 are within Section 19, T.34N., R.45E., M.D.B. & M.

The points of diversion and the place of use under Applications 29498, 29499, 29500 and 29501 are within Section 29, T.34N., R.45E., M.D.B. & M.

Applications 29706, 29793, 29794 and 29795 were filed by Wallace D. Whiting to appropriate underground water.

Application 29706 was filed on October 14, 1975 for 6.0 c.f.s. of water to irrigate 320 acres. The point of diversion is within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 4, T.34N., R.45E., M.D.B. & M. The place of use is the N $\frac{1}{2}$ of said Section 4.

Applications 29793, 29794 and 29795 were filed on November 20, 1975, each for 6.0 c.f.s. of water for irrigation. The place of use and point of diversion are within Section 33, T.35N., R.45E., M.D.B. & M.

Application 30071 was filed on March 10, 1976 by Ernest L. and Verna M. Barrows to appropriate 5.4 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 20, T.34N., R.45E., M.D.B. & M., and the place of use is 317.6 acres within the N $\frac{1}{2}$ of said Section 20.

Application 30427 was filed on July 27, 1976 by Sierra Pacific Power Co. to appropriate 4.0 c.f.s. of underground water for industrial and domestic purposes. The point of diversion is within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 31, T.35N., R.45E., M.D.B. & M. and the place of use is within the E $\frac{1}{2}$ Section 19; Sections 20, 21, 28 and 29; E $\frac{1}{2}$ Section 30, T.34N., R.43E., M.D.B. & M.

Application 30984 was filed on January 5, 1977 by Leon E. and Norma G. Taylor to appropriate 2.2 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 32, T.34N., R.45E., M.D.B. & M. and the place of use is 130 acres within the NW $\frac{1}{4}$ of said Section 32.

Application 31753 was filed on May 19, 1977 by Sierra Pacific Power Co. to change the point of diversion and place of use of 2.0 c.f.s. of the underground water appropriated under Permit 29006 for industrial purposes. The point of diversion under Permit 29006 is within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 17, T.35N., R.44E., M.D.B. & M. and the place of use is Section 25, T.34N., R.43E., M.D.B. & M. The point of diversion under Application 31753 is within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 3, T.32N., R.44E., M.D.B. & M. and the place of use is within the E $\frac{1}{2}$ Section 19; Sections 20, 21, 28 and 29; E $\frac{1}{2}$ Section 30, T.35N., R.43E., M.D.B. & M.

Application 29487 was protested on October 27, 1975 by Max Lenaburg who prayed that the application be denied on the following grounds:

All of the wells in this area have lowered on the water table within the last five years.

I worked for the Twenty-Five Corp. for four years and have first hand experience with the wells on the Sidwell and Conrad land. Their wells have given endless troubles for some time. They have run out of water when they are all pumping at one time.

The Conrad Section will not be farmed next year because of the water situation.

Application 29489 was protested on October 17, 1975 by Robert J. Phillips who prayed that the application be denied on the following grounds:

The one main reason for this protest of the additional wells in this area is the fact that there has never been a substantial water survey taken in this area. The farms that are in this area have yet to be fully developed, where as most of these half section lots have only one well on them at this time and to be fully efficient they should have two, but how will this be possible with the granting of twenty-two well permits when the

water table in this area is not yet established.

Another point I wish to make is the FACT that the standing water level of my irrigation well has dropped ten feet in the last five years.

Application 29493 was protested on October 17, 1975 by E. L. Barrows who prayed that the application be denied on the following grounds:

I feel the farmers already developing ground in this district are already in trouble and if more wells are brought in, they will be in trouble also. Most of the farmers out here are only one-half developed; as they go on they will need more water.

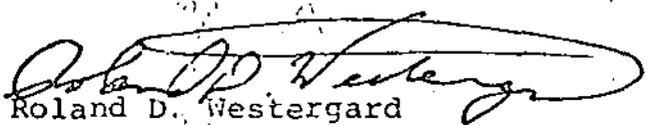
A field investigation in the matter of Applications 29480 through 29501 was held on March 11, 1976. A Report of the Field Investigation is on file in the office of the State Engineer.

Measurements and affidavits indicate lowering water tables in the area of concentrated underground water rights and pumpage where all of the pending applications except Application 31753 are located. Application 31753 is to change a point of diversion to within one-half mile of existing underground water rights.

RULING

Applications 29480 through 29501, 29706, 29793, 29794, 29795, 30071, 30427, 30984 and 31753 are denied and the protests upheld on the grounds that to grant additional water rights in these concentrated areas would conflict with existing rights and threaten to prove detrimental to the public interest.

Respectfully submitted,


Roland D. Westergard
State Engineer

RDW/JC/bl

Dated this 7th day
of December, 1977.