

IN THE MATTER OF APPLICATION 44216)  
FILED TO APPROPRIATE THE WATER OF )  
AN UNDERGROUND SOURCE WITHIN THE )  
ELKO SEGMENT GROUND WATER BASIN, )  
ELKO, NEVADA )

R U L I N G

FINDINGS OF FACT

I

Application 44216 was filed on July 30, 1981 by Richard E. and Leona M. Wright to appropriate 12.0 c.f.s. of water from an underground source for irrigation and domestic purposes. The point of diversion is described as being within the SW $\frac{1}{4}$  SE $\frac{1}{4}$  Section 21, T.34N., R.55E., M.D.B.&M., and the place of use is 6 acres within the SW $\frac{1}{4}$  SE $\frac{1}{4}$  and SE $\frac{1}{4}$  SW $\frac{1}{4}$  Section 21, T.34N., R.55E., M.D.B.&M. The period of use is described as from January 1st to December 31st of each year.

II

Application 44216 became ready for action on March 7, 1982 upon completion of the statutory publication and protest periods.

III

Application 44216 was protested on February 5, 1982 by the City of Elko on the grounds set forth in the protest. A copy of the protest is made a part of this ruling by reference and is on file in the records of the State Engineer's office.

IV

On March 31, 1982, the State Engineer's office received a letter under the signature of James M. Copenhaver, City Attorney for the City of Elko, requesting that the protest filed by the City of Elko on February 5, 1982 be amended and that a permit be granted under Application 44216 limited to an annual duty of 12.0 acre-feet.

V

The point of diversion under Application 44216 lies within the Elko Segment Ground Water Basin as designated by Order No. 778 of the State Engineer dated December 8, 1981.

CONCLUSIONS

1. The State Engineer has jurisdiction under NRS 533.025 and 533.030, subsection 1.
2. The State Engineer is prohibited by law from granting a permit where:
  - A. There is no unappropriated water at the proposed source, or
  - B. The proposed use conflicts with existing rights, or
  - C. The proposed use threatens to prove detrimental to the public welfare.

3. If the subject application was approved subject to the conditions set out under the protest of the City of Elko there would not be an adverse effect or conflict with existing rights.

RULING

Application 44216 is herewith approved with the understanding that the total duty of water under the application is limited to and not to exceed 12.0 acre-feet annually. A permit will be granted under this application upon receipt of the statutory permit fees.

Respectfully submitted,



Peter G. Morros  
State Engineer

PGM/bc

Dated this 2nd day of  
APRIL, 1982.