

IN THE MATTER OF APPLICATIONS 42609)
AND 42611, FILED TO APPROPRIATE)
UNDERGROUND WATER AND APPLICATIONS)
45041 AND 45042 TO CHANGE THEIR)
POINTS OF DIVERSION IN DODGE FLAT,)
WASHOE COUNTY, NEVADA)

R U L I N G

GENERAL

Applications 42609 and 42611 were filed on October 9, 1980 by Southern Pacific Land Company to appropriate 4.0 c.f.s. of underground water in Dodge Flat, Washoe County, Nevada. The water is to be used for mining, milling and domestic purposes within Sections 23, 25, 26, 27, 33, 34 and 35, T.21N., R.23E., and Sections 19 and 31, T.21N., R.24E., M.D.B.&M. The annual consumption from all Southern Pacific Land Company wells combined is to be 943.6 million gallons. The point of diversion under 42609 is within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 35, T.21N., R.23E., M.D.B.&M. The point of diversion under 42611 is within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 31, T.21N., R.24E., M.D.B.&M.

Applications 42609 and 42611 were protested on June 22, 1981 by Steve Barnes who requested that the applications be denied on the following grounds:

"Because of the possibility of taking the water from my domestic well (Legal Permit Number 0490) my agricultural well (Legal Permit Number 39755) and my proposed agricultural well applied for on July 5, 1977 application number 32691."

A field investigation was held on November 17, 1981. Southern Pacific Land Company was represented and protestant Steve Barnes was present.

Ron Parratt and John Sharp, representing the applicant, said that exploratory drilling (4 holes) indicates the best wells will be found in Section 19, T.21N., R.24E., M.D.B.&M., over 1-1/2 miles from Barnes' well. Southern Pacific Land Company has filed Applications 45041 and 45042 to change the points of diversion of Applications 42611 and 42609 into the NW $\frac{1}{4}$ SW $\frac{1}{4}$ said Section 19.

The State Engineer ruled on December 4, 1981 that no action would be taken on Applications 42611 and 42609 until Applications to Change 45041 and 45042 are ready for action.

Applications 45041 and 45042 were protested on May 18, 1982 by Marco W. Depaoli, Estate of Louis J. Depaoli, Harold P. Depaoli and Raymond D. Depaoli dba Depaoli Brothers, who requested that the applications be denied on the following grounds:

"The above named protestants are the owners of Certificate of Appropriation No. 3336 (Book 10 page 3336). The existing point of diversion is from an underground source in Lot 4 (SW $\frac{1}{4}$ of SE $\frac{1}{4}$) Section 13, T.21N., R.23E., M.D.B.&M. or at a point from which the S $\frac{1}{4}$ corner of said Section 13 bears South 7 $^{\circ}$ 23' West 552.0 feet. Said certificate allows for the diversion of

sufficient water to provide water for 1,000 head of cattle from January 1 to December 31 of each year with a priority of December 21, 1948. Based upon the closeness of the new proposed point of diversion of Southern Pacific Land Company to protestants' existing point of diversion, the proposed rate of diversion and the annual recharge of the Dodge Flat hydrographic area, granting the application would adversely affect protestants' existing rights."

A field investigation was held on July 9, 1982. Ron Parratt and John Sharp were present representing Southern Pacific Land Company and Harold Depaoli and Gordon Depaoli were present representing Depaoli Brothers.

The protestants repeated their concerns that the proposed large draft wells would adversely affect their stockwatering well which is situated 0.9 mile northwest of the nearest Southern Pacific Land Co., point of diversion under Application 45042. Permit 12775, Certificate 3336, is for the stockwatering well and is for 0.03 c.f.s. to water 1000 cattle. This well is equipped and used as certified. The well is reported to be 85 feet deep with the static water level at 35 feet.

A 720 foot exploratory well has been drilled at the Application 45042 site and test pumped at 220 to 630 gallons per minute for 15 hours. The specific capacity of the well is 50 gallons per foot and the static water level is 146 feet.

The applicants feel that their wells are far enough away from the stockwatering well so that there will not be an unreasonable effect on existing water rights. The mine would have a minimum life of from 5 to 6 years and a maximum life of from 10 to 20 years.

RULING

The protests to Applications 42609, 42611, 45041 and 45042 are overruled on the grounds that the proposed points of diversion under Applications 45041 and 45042 are adequately spaced so that there will not be an unreasonable adverse effect on protestants' water rights. Permits, subject to existing rights, will be issued upon payment of statutory fees.

Respectfully submitted,


Peter G. Morros
State Engineer

PGM/JC/bc

Dated this 30th day of
JULY, 1982.