

IN THE MATTER OF APPLICATION NO. 13052)
IN NAME OF W. D. GREGORY TO APPROPRIATE :
UNDERGROUND WATER IN LANDER COUNTY, NEVADA)

RULING

Application No. 13052 was filed September 23, 1949 by W. D. Gregory to appropriate 0.25 c.f.s. of water from an underground source for the irrigation of 5 acres of land within the N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 20, T. 18 N., R. 45 E. The location of the proposed well is within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 20.

On December 19, 1949 a protest to the granting of a permit under this application was filed by W. L. Peterson. Mr. Peterson's protest is as follows:

"It is reasonable to assume that the underground water being applied for is the underground water of Black Bird Creek, which has been applied for by myself and is now under development and may affect his source of supply when completed. I personally do not wish to be held responsible for the amount of water in his well."

Mr. Peterson's water right on Blackbird Creek is evidenced by Permit No. 11613 in the amount of 10.0 c.f.s. for the irrigation of 160 acres of land in Section 29, T. 18 N., R. 45 E. This permit carries the provision that the amount of water placed on the land during any one month shall not exceed 1 $\frac{1}{2}$ acre feet and the seasonal duty shall not exceed 4 acre-feet per acre of land. The point of diversion under Permit No. 11613 is within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 18, T. 18 N., R. 45 E. and the waters of Blackbird Creek is to be conveyed thru a lined ditch about 1 $\frac{1}{2}$ miles to the place of use. The proposed point of diversion under Application No. 13052 is about a mile southeasterly from Mr. Peterson's point of diversion and is about 200 feet easterly from the Peterson ditch.

While it is no doubt true that the Blackbird Creek drainage contributes to the ground water supply in the area, it must also be recognized that other drainage from the mountains to the north also contributes water. The amount of water applied for under Application No. 13052 is small and any permit granted will limit the total seasonal usage to 4 acre-feet per acre which would amount to 20 acre-feet provided the entire tract was irrigated.

It is our opinion that the granting of a permit under Application No. 13052 would not interfere in any way with the right of Mr. Peterson under his Permit No. 11613.

RULING

The protest of W. L. Peterson to the granting of a permit under Application No. 13052 is herewith overruled and a permit will be granted following receipt of the statutory permit fee with the provision that such permit is granted subject to existing rights and that the duty of water is not to exceed 4 acre-feet per acre for the season.

Respectfully submitted,


ALFRED MERRITT SMITH
State Engineer

March 7, 1950