

IN THE MATTER OF APPLICATION 22711 )  
FILED JULY 30, 1965, BY WILLIAM B. )  
GIBSON FOR PERMISSION TO CHANGE THE )  
POINT OF DIVERSION OF UNDERGROUND )  
WATER HERETOFORE APPROPRIATED UNDER )  
PERMIT 20844 IN RAILROAD VALLEY, NYE) )  
COUNTY, NEVADA. )

R U L I N G # 836

General:

Application 22711 was filed July 30, 1965 by William B. Gibson for permission to change the point of diversion of 5.4 c.f.s., of the water of an underground source appropriated under Permit 20844. The water is to be diverted at a point within the NW $\frac{1}{4}$  NW $\frac{1}{4}$  Section 33, T. 5 N., R. 55 E., M.D.B.& M., or at a point from which the N.W. corner of said Section 33 bears N. 4° 30' W., a distance of 900.0 feet. The existing point of diversion of 5.4 c.f.s., as described in application and permit 20844 is at a point within the NW $\frac{1}{4}$  NW $\frac{1}{4}$  Section 33, T. 5 N., R. 55 E., M.D.B.& M., or at a point from which the S.W. corner of said Section 33 bears S. 18° 0' W., a distance of 4,195.0 feet. The proposed place of use embraces 320 acres of land within the W $\frac{1}{2}$  Section 33, T. 5 N., R. 55 E., M.D.B.& M. Desert Land Entry Nev-056451 for this land was approved November 19, 1962. The period of use is from January 1st to December 31st of each year.

Application 20844 was approved and a permit issued on August 17, 1964 for 5.4 c.f.s., but not to exceed a yearly duty of 4.0 acre-feet per acre of the land irrigated. Proof of commencement of work becomes due for filing on or before March 17, 1966 with the provision that no further extensions of time will be granted for filing this proof. Proof of Completion of Work also becomes due for filing on or before March 17, 1966.

The State Engineer has determined that the matter of locating and spacing wells are given primary consideration in any ground water basins or areas. The pumping of water in appreciable quantities will often times affect other wells in the area.

The proposed location of the well under Application 22711 is at a point approximately 900.0 feet southerly from the well under Application 21168. This application was filed March 27, 1963 by Myles Lyndon Collins for permission to appropriate 5.4 c.f.s., of the waters of an underground source at a point within

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the SW $\frac{1}{4}$  SW $\frac{1}{4}$  Section 28, T. 5 N., R. 55 E., M.D.B. & M., or at a point from which the S $\frac{1}{4}$  corner of said Section 33 bears S. 25° 16' E., a distance of 5,950.0 feet., for irrigation and domestic purposes. The land to be irrigated is 320 acres within the W $\frac{1}{2}$  Section 28, T. 5 N., R. 55 E., M.D.B. & M., and the period of use is from January 1st to December 31st of each year. The land covered under this application bears U. S. Patent No. 27-65-0193 dated February 1, 1965.

The proposed change under application 22711 creates a problem of priority. In this connection the well under Permit 20844, the basis of Application 22711, holds an earlier priority than Permit 21168 and therefore, the granting of Application 22711 would also have adverse affect to the later right of Permit 21168.

Opinion:

It is the opinion of this office that the granting of Application 22711 would have material adverse affect on the existing water right.

RULING:

Application 22711 is hereby denied on the grounds that the granting of this application would interfere with the existing rights and would be detrimental to the public welfare.

Respectfully submitted

GEORGE W. HENNEN  
State Engineer

BY   
Roland D. Westergard  
Assistant State Engineer

Dated this 20<sup>th</sup> day of

January, 1966.

GWH:RDW:FND:ns