

IN THE MATTER OF APPLICATION)
19281 FILED TO APPROPRIATE)
UNDERGROUND WATER IN LYON)
COUNTY, NEVADA.)

R U L I N G

General:

107
On October 18, 1960 Fay Northrip filed Application 19281 to appropriate 6.10 c.f.s. of water to irrigate 360 acres of land within the $W\frac{1}{2}$ $NE\frac{1}{4}$, $SE\frac{1}{4}$ $NW\frac{1}{4}$, $E\frac{1}{2}$ $SW\frac{1}{4}$ and $SE\frac{1}{4}$ Section 25, T. 13 N., R. 23 E., M.D.B. & M., and for domestic purposes. The water is to be diverted from an underground source at a point within the $SE\frac{1}{4}$ $NW\frac{1}{4}$ of said Section 25. The application was protested on December 8, 1961 by William F. and Katherine Knowles Walker. A reply by Fay Northrip to the protest was received on May 1, 1962.

A letter from the Bureau of Land Management dated May 16, 1962 indicates that the applicant had relinquished Desert Land Entry Nevada 056305 which included lands under Application 19281 except 80 acres in the $SE\frac{1}{4}$ $NW\frac{1}{4}$ and $SW\frac{1}{4}$ $NE\frac{1}{4}$ of said Section 25; thus the applicant controls only 80 acres of the land described in the application. There are no valid rights of record within the $SE\frac{1}{4}$ $NW\frac{1}{4}$ Section 25, T. 13 N., R. 23 E., M.D.B. & M. The point of diversion under certificate 3570, to which reference is made in the protest and the reply, is described as being within the $SW\frac{1}{4}$ $NW\frac{1}{4}$ of said Section 25. The statutes provide that rights to appropriate underground water must allow for a reasonable lowering of the static water level and that such lowering of the water level shall not prevent the granting of permits later in time so long as the rights of holders of existing appropriations can be satisfied under such express conditions.

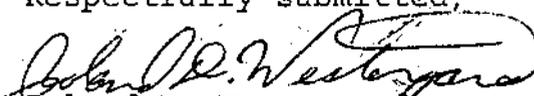
Opinion:

It is our opinion that it would be detrimental to the public welfare to allow the appropriation of water to irrigate Government land which is not controlled by the applicant. It is a further opinion that granting application 19281 for 1.7 c.f.s. to irrigate 80 acres within the $SE\frac{1}{4}$ $NW\frac{1}{4}$ and $SW\frac{1}{4}$ $NE\frac{1}{4}$ Section 25, T. 13 N., R. 23 E., M.D.B. & M., which is controlled by the applicant, would not adversely affect existing rights provided the permit is issued subject to existing rights.

RULING

The protest to application 19281 is overruled on the grounds that the appropriation would not interfere with existing rights or be otherwise detrimental to the public welfare and a Permit will be issued for 1.7 c.f.s., subject to existing rights, and limiting the place of use to 80 acres within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 25, T. 13 N., R. 23 E., M.D.B. & M., upon receipt of the permit fees. No rights of ingress or egress are granted by issuance of this permit.

Respectfully submitted,


Roland D. Westergard
Assistant State Engineer

Dated this 21st day of

February, 1966.

RDW:ns