

IN THE MATTER OF APPLICATION 22745 )  
FILED TO APPROPRIATE UNDERGROUND )  
WATER IN NYE COUNTY, NEVADA. )

R U L I N G

Application 22745 was filed on August 30, 1965 by Kenneth R. Davis to appropriate 4.7 c.f.s. of water from an underground source for irrigation and domestic purposes. The point of diversion is at a point within the NW $\frac{1}{4}$  NE $\frac{1}{4}$  Section 36, T. 16 S., R. 48 E., M.D.B.&M., or at a point from which the N $\frac{1}{2}$  corner of said Section 36 bears N. 85°16' W., a distance of 1,224.75 feet. The place of use is described as 280 acres within the NW $\frac{1}{4}$ , SE $\frac{1}{4}$  NE $\frac{1}{4}$ , SW $\frac{1}{4}$  NE $\frac{1}{4}$  and NW $\frac{1}{4}$  NE $\frac{1}{4}$  of said Section 36.

This application was protested on November 2, 1965 by Tracy W. Smith on the grounds that:

"This request would place a new well  $\frac{1}{4}$  mile from the only well in the Amargosa Desert that has pumped continuously for the past fifteen (15) years. This application requests 4.7 second feet of water to be used on 0.039 acres. This amount of land does not justify a permit for 4.7 second feet of water".

A field investigation in the matter of the application and protest was held on January 12, 1966.

Application 22233 was filed by Billie Bettles on August 31, 1964 to appropriate 1.0 c.f.s. from the well referred to in the protest. The point of diversion under Application 22233 is at a point within the NE $\frac{1}{4}$  NE $\frac{1}{4}$  Section 36, T. 16 S., R. 48 E., M.D.B.&M., or at a point from which the NE corner of said Section 36 bears N. 40° E., a distance of 150 feet. The place of use is described as 40 acres within the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of said Section 36.

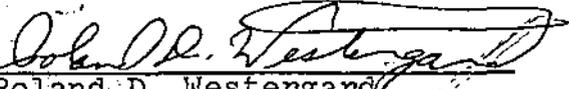
At the field investigation, the protestant explained that he interpreted the description of the place of use under Application 22745 as 0.039 acres, and that 4.7 c.f.s. would be excessive for this acreage. The description of 280 acres was explained to his satisfaction. Mr. Bennett J. Vasey, Agent for the applicant, consented to move the well site a distance of approximately 300 feet west of the site described in Application 22745 if a permit were issued. It was explained that such a move would be permissible and would not necessitate an application to change, provided the site remained in the same 40-acre subdivision.

RULING

The protest of Application 22745 is overruled and a permit will be issued, subject to existing rights, upon receipt of permit fees. The permit will be issued subject to the provision that the well site be moved a distance of 300 feet west of the point described in Application 22745.

Respectfully submitted,

GEORGE W. HENNEN  
State Engineer

BY:   
Roland D. Westergard  
Assistant State Engineer

Dated this 15th day of  
March, 1966.

RDW:wij