

IN THE MATTER OF APPLICATION TO)  
CHANGE 23097 FILED BY VALLEY )  
READY MIX TO APPROPRIATE GROUND)  
WATER FROM SMITH VALLEY, LYON )  
COUNTY, NEVADA. )

R U L I N G

Application 23097 was filed by Valley Ready Mix on April 12, 1966 to change the point of diversion of 1.0 c.f.s., the entire amount of ground water from Permit 22918. The existing point of diversion is in the SW $\frac{1}{4}$  SE $\frac{1}{4}$  Sec. 17 under Permit 22918. The proposed point of diversion is to be in the NW $\frac{1}{4}$  NE $\frac{1}{4}$  Sec. 20, both locations in T. 13 N., R. 24 E., M.D.B. & M. in Smith Valley, Lyon County, Nevada.

Application 23097 was protested on June 16, 1966 by William F. Walker. The grounds for the protest were "that proposed well under Application 23097 is located above well under Permit 11025, Certificate 3570. The topography shows that proposed well Application 23097 could impair the source of well 11025, Certificate 3570 by being in the same aquifer." This right stands in the name of the protestant.

The field investigation revealed that:

1. The well is located in the northeast corner of Smith Valley. There is no other well closer than one mile.
2. The proposed well is drilled and producing. It was drilled to replace the well under Permit 22918 which was dry or nearly so. The earlier well has been abandoned and the entire 1.0 c.f.s. is produced from this new well.
3. The protestant's well is nearly three miles distant to the southwest.
4. Mr. Walker stated that he did not feel that this well would do his well any damage. However, he did want to know how the water was to be used.

Opinion

It is our opinion that the granting of Application 23097 will not adversely affect existing water rights.

RULING

The protest against Application 23097 is overruled and the permit will be issued subject to existing rights.

Respectfully submitted,

  
Roland D. Westergard  
Assistant State Engineer

HEW:RDW:kd

Dated this 7th day of October, 1966