

IN THE MATTER OF APPLICATION 23478)
FILED TO APPROPRIATE WATER OF AN)
UNDERGROUND SOURCE, QUINN RIVER)
VALLEY, HUMBOLDT COUNTY, NEVADA)

R U L I N G

GENERAL

Application 23478 was filed on November 7, 1966, by Nevada Garvey Ranches, Inc. to appropriate 6.0 c.f.s. from an underground source for irrigation and domestic purposes. The proposed point of diversion is within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 4, T. 46N., R. 38E., M.D.B.&M. The proposed place of use is described as 300 acres within portions of the W $\frac{1}{2}$ Section 4, E $\frac{1}{2}$ NE $\frac{1}{4}$, and NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 5, T. 46N., R. 38E., M.D.B.&M.

A protest to the application was filed on February 20, 1967, by well owners of Quinn River Water Basin. The grounds of protest are: "This application pertains to lands and waters within the upper end of Quinn River Valley and within the boundaries of Quinn River Water Basin designated by the State Engineer. According to the best information available, the underground waters of this basin are already over-appropriated. Therefore more appropriation would further deplete existing water reserves thus interfering with already existing rights within the basin."

A prior Application 22844 was filed by Nevada Garvey Ranches, Inc. on November 4, 1965, to appropriate waters of an underground source for irrigation and domestic purposes. The proposed point of diversion under Application 22844 was located within NE $\frac{1}{4}$ NW $\frac{1}{4}$ (Lot 3) Section 4, T. 46N., R. 38E., M.D.B.&M., or within approximately 4,200 feet of the proposed point of diversion under Application 23478.

Application 22844 was also protested and following a field investigation and hearing the application was denied on September 16, 1966 on grounds that the proposed appropriation would adversely affect existing water rights. Conditions which may have a bearing on the issue have not changed significantly nor to our knowledge has new information been developed to alter our previous opinion or interpretation of evidence presented at the hearing in the matter of Application 22844.

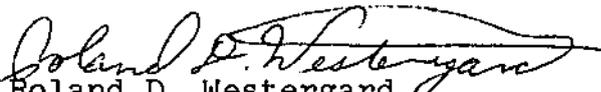
Because of the proximity of the proposed points of diversion under the two applications, evidence previously presented would be applicable in the matter of Application 23478.

Records reveal that approved appropriations for underground water within the Quinn River Valley Basin exceed estimates of the perennial yield of the basin. Testimony given at the hearing in the matter of Application 22844 indicates that the proposed appropriation under Application 23478 would adversely affect existing rights.

RULING

The protest to Application 23478 is upheld and the application is denied on the grounds that the proposed appropriation would adversely affect existing water rights.

Respectfully Submitted,


Roland D. Westergard
Assistant State Engineer

RDW:jb

Dated This 30th Day
of March, 1967.