

IN THE MATTER OF APPLICATION 22803 )  
FILED ON SEPTEMBER 29, 1965, BY )  
THE SWALLOW RANCHES, INCORPORATED )  
FOR THE WATERS OF AN UNDERGROUND )  
SOURCE LOCATED IN WHITE PINE COUNTY, )  
NEVADA. )

R U L I N G

GENERAL:

Application 22803 was filed on September 29, 1965, by Swallow Ranches, Inc. to appropriate 0.70 c.f.s. of water from an underground source for irrigation and domestic purposes. The point of diversion is located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$  Section 2, T. 12 N., R. 67 E., M.D.B. & M., and the place of use is 160 acres within the NW $\frac{1}{4}$  Section 35, T. 13 N., R. 67 E., M.D.B. & M.

This Application was protested on January 17, 1966, by Kirkeby Ranches on the following grounds:

- "1. Applicants have no permanent range rights anywhere near the wells except for stock trailing rights.
2. The Protestants have prior vested stock watering rights in and to all the water applied for for stock watering rights.
3. The use of the water applied for by applicant would violate protestants grazing rights and seriously conflict with the rights of the protestant and his customary use of the range and waters."

An investigation into the matter of this Application was made on September 21, 1967. A field investigation disclosed that the source of subject Application 22803 is an existing flowing artesian well which was apparently drilled under the Federal Emergency Relief Act around 1934.

OPINION:

The source is an old artesian well which apparently was drilled around 1934.

There are no existing water rights of record on file in the State Engineer's Office on the source with the exception of Application 22750 filed by the Swallow Ranches, Inc. on September 2, 1965.

There is in the opinion of the State Engineer unappropriated water at the source.

RULING:

The protest to Application 22803 is herewith overruled, and a Permit will be granted upon receipt of the statutory Permit fee. The Permit will be issued subject to all existing rights. Nothing in this Ruling shall be taken to infer the granting of any rights of ingress and egress to the applicant.

Respectfully submitted,

  
ROLAND D. WESTERGARD  
State Engineer

RDW:PGM:jw

Dated this 9th day  
of January, 19 68