

IN THE MATTER OF APPLICATION NO. 13378 )  
IN NAME OF CHARLES J. ALLEN TO APPRO- )  
PRIATE WATER FROM AN UNDERGROUND SOURCE : RULING  
(LIBERTY WELL) FOR IRRIGATION AND DOMESTIC )  
PURPOSES IN LANDER COUNTY, NEVADA. )

Application No. 13378 was filed on May 16, 1950 by Charles J. Allen to appropriate 4.0 c.f.s. of water from an underground source (Liberty Well) for irrigation and domestic purposes. The proposed point of diversion is to be in the SE $\frac{1}{4}$  SE $\frac{1}{4}$  Sec. 10, T. 32 N., R. 44 E., M.D.B.&M., and the place of use is 160 acres in the NW $\frac{1}{4}$  Sec. 14, T. 32 N., R. 44 E., M.D.M.

On July 24, 1950 a protest was filed against the granting of this application by Gordon Estes, et al. The bases for this protest were that the protestants are the present owners of Liberty Well which was drilled by the B & M Mining Company and reverted to them under the terms of a lease agreement and option; that the well is an appurtenance to the mining ground and that the protestants intend to make application for water at such time as mining operations can be resumed.

From information obtained by a field investigation made by this office on August 10, 1951, it was found that the proposed point of diversion is an existing well drilled by the B & M Mining Company under Permit No. 10512 which was cancelled on April 8, 1946 because of the failure of the applicant to comply with the provisions of the permit. Further, it was found that Charles J. Allen proposes to pump water from this well and convey it to lands in the NW $\frac{1}{4}$  Section 14, T. 32 N., R. 44 E., M.D.M. where it will be used for irrigation

and domestic purposes. The lands to be irrigated have been applied for under the homestead act.

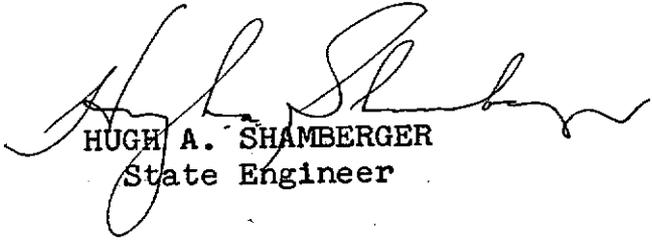
It is the opinion of this office that the ground water in the vicinity of Liberty Well is unappropriated and that the granting of a permit under Application No. 13378 will not be detrimental to existing rights.

RULING

The protest to the granting of a permit under Application No. 13378 is herewith overruled and a permit can be granted subject to existing rights on the source and further subject to the following provisions:

"That the granting of this permit does not give the permittee the authority to use any of the existing works or appurtenances at the proposed point of diversion, nor will it convey any right-of-way privileges."

Respectfully submitted,

  
HUGH A. SHAMBERGER  
State Engineer

March 7, 1952.