

IN THE MATTER OF APPLICATION)
25020, FILED BY ROBERT L.)
PRUETT TO APPROPRIATE WATER)
FROM AN UNDERGROUND SOURCE WITHIN)
DOUGLAS COUNTY, NEVADA.)

R U L I N G

105 Robert L. Pruett filed Application 25020 on April 11, 1969, to appropriate 5.0 c.f.s. from an underground source at a point within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 23, T.12N., R.20E., M.D.B.&M. The proposed place of use is described as being 240 acres within the N $\frac{1}{2}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$, portion NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 14; S $\frac{1}{2}$ SE $\frac{1}{4}$, portion SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 11, all in T.12N., R.20E., M.D.B.&M. This application was filed with the remarks that ---- source of water is same as described in filing No. 22539, U.S.B.S.F. & W.L. Well #6. Water to be used for irrigation after use for fish culture purposes at Lahontan National Fish Hatchery.

Application 25020 was protested June 24, 1969, by Settelmeyer Ranches on the grounds that:

"1. The described land is deeded to and held by Arthur and Arnold Settelmeyer. The Bureau of Sport Fisheries does have an easement and well site and pipeline on the described land."

"2. Permit Number 22942 grants exclusive consumptive use of this well to Settelmeyer Ranches."

"3. Robert L. Pruett does not own the described land nor does he have an easement or right of way to his proposed site."

The filing on the same source as Application 25020 are as follows:

Cancelled Permit 22539 stands in the name of U.S.A. Bureau of Sport Fisheries & Wildlife. The source is underground (Well No. 6), at a point in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 23, T.12N., R.20E., M.D.B.&M. The permit was issued for 5.0 c.f.s., for fish hatchery purposes but was cancelled May 8, 1969, because of failure of the applicant to comply with the provisions of the permit.

On July 29, 1969, the Bureau of Sport Fisheries filed Application 25180 to replace cancelled Permit No. 22539. The amount of water applied for is 1.782 c.f.s.; the amount the well will produce.

Permit No. 22942 stands in the name of Settelmeyer Ranches. The source is the same as the Bureau of Sport Fisheries Well No. 6. An agreement is on file in Permit

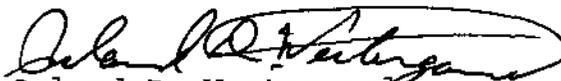
22249 in which Settelmeyer Ranches receives water from Well No. 6 after it is used non-consumptively at the Lahonton National Fish Hatchery.

On August 6, 1969, a field investigation was held in the matter of protested Application 25020. At the investigation, no agreement could be reached between Arnold Settelmeyer and Robert Pruett in sharing the water produced from Well No. 6.

RULING

Application 25020 is hereby denied on the grounds that there is no unappropriated water at the source and the granting of a permit under this condition would be detrimental to the public welfare.

Respectfully submitted,


Roland D. Westergard
State Engineer

RDW: RdL: jw

Dated this 27th day of
August, 1969.