

IN THE MATTER OF APPLICATION 25544)
FILED BY DALE O. AND DONNA J. HUSEBOE) R U L I N G
TO APPROPRIATE WATER FROM AN UNDERGROUND)
SOURCE IN LYON COUNTY, NEVADA.)

GENERAL:

Application 25544 was filed April 16, 1970, by Dale O. and Donna J. Huseboe for permission to appropriate 6.0 c.f.s. of water from an underground source for irrigation (320 acres) and domestic use. Water is to be diverted from its source at a point within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 31, T.12N., R.24E., M.D.B.&M. The place of use is described as within the E $\frac{1}{2}$ Section 31, T.12N., R.24E., M.D.B.&M.

A protest to the granting of Application 25544 was filed on July 21, 1970, by William G. Walker. The basis of the protest is that the appropriation of 6.0 c.f.s. of water from a well situated so close to the well belonging to the protestant would very likely lower the pumping level to such an extent that all or part of the protestants farm would become unprofitable.

A field investigation was held on September 17, 1970, in the matter of protested Application 25544. The proposed point of diversion under Application 25544 and the protestant's existing well under Permit 25237, Certificate 7355, were determined to be separated by approximately 2,600 feet. No other water rights of record are located within approximately a mile radius of the proposed point of diversion under Application 25544.

OPINION:

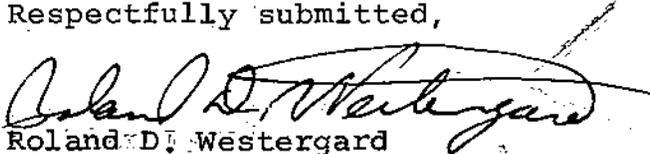
The supporting map and the field investigation indicate a satisfactory spacing between the existing protestant's well and the applicant's proposed point of diversion.

Nevada Revised Statutes 534.110, Section 4 provides that appropriations will be granted with the understanding that the right must allow for a reasonable lowering of the static water level at the permittee's well due to other ground water development in the general area. This was a condition of Permit 25237.

RULING

The protest to the granting of Application 25544 is herewith overruled on the grounds that the granting will not adversely affect existing rights held by the protestant or otherwise be detrimental to the public welfare. Upon payment of statutory permit fees a permit will be granted to Application 25544 subject to existing rights and with the further provision that the granting must allow for a reasonable lowering of the static water level.

Respectfully submitted,


Roland D. Westergard
State Engineer.

RDW:WJN:jw

Dated this 1st day of
December, 1970