

IN THE MATTER OF APPLICATION)
25747 TO APPROPRIATE THE WATERS)
OF AN UNDERGROUND SOURCE BY)
GEORGE W. FISHER IN NYE COUNTY,)
NEVADA .)

R U L I N G

GENERAL:

137B
Application 25747 was filed on August 7, 1970, by George W. Fisher to appropriate 1.0 c.f.s. of the waters from an underground source within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 29, T.11N., R.43E., M.D.B.&M., to be used for irrigation of 40 acres within the same subdivision as the point of diversion.

A protest to the granting of this application was received on November 2, 1970, from Willard E. Getchell. The basis for the protest was that the proposed well might draw down existing wells and cause loss of irrigation and domestic waters and that the proposed well is less than one-half mile from existing wells.

A protest to the granting of this application was received on November 2, 1970, from Richard L. Carver. The basis for the protest was that the proposed well would have an effect on artesian wells within one-half mile of the application and that it might stop all artesian flow from the wells.

A field investigation was held on July 6, 1971, in the matter of protested Application 25747. The proposed point of diversion under Application 25747 was determined to be separated from the well under Applications 16866 and 18840 by a distance of approximately 1650 feet.

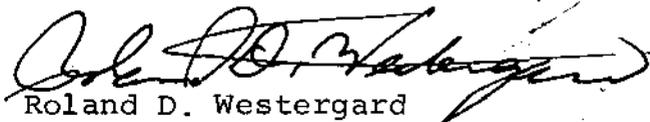
OPINION

The field investigation and topography indicate a satisfactory spacing between protestants' existing well and applicant's proposed well. 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 due to other ground water development in the area. This was a condition of Permits 16866 and 18840.

RULING

The protests to the granting of Application 25747 are herewith overruled on the grounds that the granting will not adversely effect existing rights held by the protestants or be otherwise detrimental to the public welfare. On payment of the statutory permit fees, a permit will be granted under Application 25747 subject to existing rights and with the further provision that the granting must allow for a reasonable lowering of the static water table, and with the further provision that no perforations will be placed in the well for the first 100 feet.

Respectfully submitted,


Roland D. Westergard
State Engineer

RDW:BLR: jw

Dated this 12th day of
August, 1971.