

IN THE MATTER OF APPLICATIONS )  
TO CHANGE 27025, 27026, 27027, )  
27028, 27029, 27030 and 27031 )  
FILED BY ABE FOX FOR THE WATERS) )  
OF AN UNDERGROUND SOURCE ) )  
LOCATED IN WHITE PINE COUNTY, ) )  
NEVADA ) )

R U L I N G #1960

GENERAL:

Application 27025 was filed on October 3, 1972 by Abe Fox to change the manner and place of use of water heretofore appropriated under Permit 24594. The application proposes to change 2.7 c.f.s. of water from irrigation and domestic use to quasi-municipal use. The existing place of use is described as being within the E $\frac{1}{2}$  E $\frac{1}{2}$ , Section 8, T.12N., R.62E., M.D.B. & M. (160 acres). The proposed place of use is described as being within the E $\frac{1}{2}$  E $\frac{1}{2}$  Section 8, W $\frac{1}{2}$  Section 9, NW $\frac{1}{4}$ , E $\frac{1}{2}$  NE $\frac{1}{4}$ , NW $\frac{1}{4}$  SE $\frac{1}{4}$ , NE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 16, T.12N., R.62E., M.D.B. & M. The point of diversion is described as being within the NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 9, T.12N., R.62E., M.D.B. & M. The period of use is from January 1st to December 31st.

Application 27026 was filed on October 3, 1972 by Abe Fox to change the manner and place of use of water heretofore appropriated under Permit 24598. The application proposes to change 4.6 c.f.s. of water from irrigation and domestic purposes to quasi-municipal purposes. The existing place of use is described as being within the W $\frac{1}{2}$  Section 9, T.12N., R.62E., M.D.B. & M. (320 acres) and the proposed place of use is described as being the same as that under Application 27025. The point of diversion is described as being in the NE $\frac{1}{4}$  NW $\frac{1}{4}$  Section 9, T.12N., R.62E., M.D.B. & M. and the period of use is from January 1st to December 31st of each year.

Application 27027 was filed on October 3, 1972 by Abe Fox to change the manner and place of use of water heretofore appropriated under Permit 24598. The application proposes to change 0.8 c.f.s. of water from irrigation and domestic to recreational use. The existing place of use is described as being within the W $\frac{1}{2}$  Section 9, T.12N., R.62E., M.D.B. & M. The proposed place of use is the same as that described under Application 27025. The point of diversion is described as being in the NE $\frac{1}{4}$  NW $\frac{1}{4}$  Section 9, T.12N., R.62E., and the period of use from January 1st to December 31st of each year.

Application 27028 was filed on October 3, 1972 by Abe Fox to change the manner and place of use of water heretofore appropriated under Permit 24067. The application proposes to change 4.6 c.f.s. of water from irrigation and domestic purposes to quasi-municipal purposes. The existing place of use is described

as being within the  $W\frac{1}{2}$  Section 9, T.12N., R.62E., M.D.B. & M., and the proposed place of use is the same as that under Application 27025. The period of use is from January 1st to December 31st of each year.

Application 27029 was filed on October 3, 1972 by Abe Fox to change the manner and place of use of water heretofore appropriated under Permit 24067. The application proposes to change 0.8 c.f.s. of water from irrigation and domestic purposes to recreational purposes. The existing place of use is described as being within the  $W\frac{1}{2}$  of Section 9, T.12N., R.62E., M.D.B. & M. The point of diversion is described as being in the  $NW\frac{1}{4} NW\frac{1}{4}$  Section 9, T.12N., R.62E., M.D.B. & M. and the period of use is from January 1st to December 31st of each year.

Application 27030 was filed on October 3, 1972 by Abe Fox to change the manner and use of water heretofore appropriated under Permit 23850. The application proposes to change 0.8 c.f.s. of water from irrigation and domestic to recreational use. The existing place of use is described as being within the  $NW\frac{1}{4}$ ,  $NE\frac{1}{4} SW\frac{1}{4}$ ,  $W\frac{1}{2} NE\frac{1}{4}$ ,  $NW\frac{1}{4} SE\frac{1}{4}$  Section 16, T.12N., R.62E. (320 acres) and the proposed place of use is the same as that described under Application 27025. The period of use is from January 1st to December 31st of each year.

Application 27031 was filed on October 3, 1972 by Abe Fox to change the manner and place of use of water heretofore appropriated under Permit 23850. The application proposes to change 4.6 c.f.s. of water from irrigation and domestic purposes to quasi-municipal purposes. The existing place of use is described as being within the  $NW\frac{1}{4}$ ,  $NE\frac{1}{4} SW\frac{1}{4}$ ,  $W\frac{1}{2} NE\frac{1}{4}$ ,  $NW\frac{1}{4} SE\frac{1}{4}$  Section 16, T.12N., R.62E., and the proposed place of use is the same as that described under 27025. The period of use is from January 1st to December 31st of each year.

All of the above applications were protested on January 15, 1973 by Van Gardner on the following grounds:

"That it would impair and conflict with the value of existing rights. That it would be against public policy to grant said applications and contrary to statute. That the granting of said applications would interfere with the customary use of protestant's grazing of said areas and protestant's existing water rights".

OPINION:

There will be no adverse effect on existing rights since there is no additional appropriation of water proposed under the applications to change. There is no evidence or information to indicate that it would be against public policy or contrary to Statute to grant said applications.

RULING:

The protests to the granting of Applications 27025 through 27031 are herewith overruled and permits will be granted under Applications 27025 through 27031 subject to existing rights. The total combined duty of water under Applications 27025 through 27031 shall not exceed 3,200 acre feet annually. It is understood that the combined duty of water granted is only a temporary allowance and that the final water right obtained under Applications 27025 through 27031 will depend on the amount of water actually placed to beneficial use.

Respectfully submitted

  
Roland D. Westergard  
State Engineer

Dated this 6th  
day of April, 1973.

RDW/PGM/bs