

IN THE MATTER OF APPLICATION)
28438 FILED BY JAMES EARL DOUTRE)
TO APPROPRIATE WATER FROM AN)
UNDERGROUND SOURCE IN WHITE PINE)
COUNTY, NEVADA.)

R U L I N G

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GENERAL:

Application 28438 was filed on June 20, 1974, by James Earl Doutre for permission to appropriate 1.0 c.f.s. of water from an underground source for quasi-municipal purposes. The point of diversion is described as within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 2, T.16N., R.63E., M.D.B.&M. The proposed well is to be used as a stand-by well for thirty trailer spaces covered under Permit 27554. The place of use is within the same subdivision as the point of diversion.

Certificate 2510 subject of Permit 8769, of record in the name of Ely Municipal Water Department, was issued March 9, 1940, for 0.223 c.f.s. of water from an underground source for irrigation purposes. The point of diversion is within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 10, T.16N., R.63E., M.D.B.&M. The place of use is 152.9 acres within portions of Sections 2, 10, and 11 of said township and range. The period of use is October 1 to March 31 of the following year. This well is approximately 7300 feet southwesterly from the applicant's proposed well.

Permit 22768 in the name of Ely Municipal Water Department was issued August 8, 1968, for 5.4 c.f.s. of water from an underground source for irrigation and domestic purposes. The point of diversion is within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 11, T.16N., R.63E., M.D.B.&M. The Proof of Beneficial Use submitted claimed the use of 3.34 c.f.s. of water for irrigation of 246 acres within portions of Sections 2 and 11 of said township and range. This well is approximately 3600 feet southwesterly from the applicant's proposed well.

Application 28113 in the name of Ely Municipal Water Department was filed February 19, 1974, to change the point of diversion of Permit 22768. The proposed point of diversion is within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 10, T.16N., R.63E., M.D.B.&M. The place of use is the same as shown on the Proof of Beneficial Use under Permit 22768. This well is approximately 4,000 feet southwesterly from the applicant's proposed well. The period of use under Permit 22768 and Application 28113 is January 1 to December 31 of each year.

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Permit 27554, of record in the name of James Earl Doutré, was issued November 28, 1974, for 1.0 c.f.s. of water from an underground source for quasi-municipal (thirty trailer spaces) use. The point of diversion and place of use are described as within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 2, T.16N., R.63E., M.D.B.&M. The Proof of Beneficial Use under this permit will be due February 28, 1976.

Application 28438 was protested on July 30, 1974, by Ely Municipal Water Department on the grounds that "The Protestants' flowing well located on the Georgetown Ranch would be adversely affected by the diversion of 1.0 c.f.s. in this vicinity". The protest requested that the application be denied.

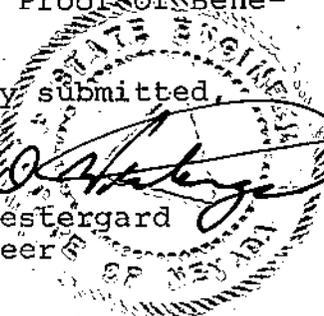
A field investigation was held in the matter of Application 28438 on October 21, 1974.

RULING:

The protest filed under Application 28438 is herewith overruled on the grounds that the granting of a permit under this application will not adversely affect existing rights, further subject to the provisions that the combined total duty of water under this permit and Permit 27554 shall not exceed 3.285 million gallons annually under either or both permits and that the beneficial use shall not be expanded over and above the thirty trailer units covered under Permit 27554. The permit will be further subject to the provision that the Proof of Beneficial Use will be due February 28, 1976.

Respectfully submitted,


Roland D. Westergard
State Engineer



RDW/RRD/lk

Dated this 17th day
of December 1974.