

IN THE MATTER OF APPLICATIONS 31327,)
32169, 32170 AND 32171 TO APPROPRIATE)
WATER FROM SEPARATE UNDERGROUND)
SOURCES IN CLOVER VALLEY, ELKO COUNTY)
NEVADA.)

R U L I N G

FINDINGS OF FACT

Application 31327 was filed on April 14, 1977 in the name of David E. and Brigitte Brough to appropriate 2.0 c.f.s. of water from an underground source to be located within the SE1/4 SE1/4 of Section 28, T.35N., R.62E., M.D.B. & M. for irrigation and domestic use on 300 acres within the S1/2 of Section 27 and portions of the SE1/4 SE1/4 of Section 28, T.35N., R.62E., M.D.B. & M.

II

A timely protest to the granting of Application 31327 was filed on December 12, 1977 in the name of Jack G. Taylor. This protest was filed on the following grounds:

"The Protestant has a well application near the above numbered Application which is earlier in time and higher in priority than the above Application. The Protestant is informed and believes that his water table would be adversely affected by the drilling of a well and pumping of water from a source so near his application. In addition; the drilling of a well and pumping water pursuant to the above application would impair prior vested and appropriated water rights which the Protestant holds nearby."

The protest seeks that the application be "denied or issued subject to Protestant's prior rights and application."

III

Applications 32169, 32170 and 32171 were filed on June 21, 1977 in the name of Jack G. Taylor, each to appropriate 6.0 c.f.s. of water from separate underground sources to be located within the SE1/4 SE1/4 Section 21, SW1/4 SW1/4 Section 21 and SW1/4 SW1/4 Section 20, respectively, all in T.35N., R.62E. The water from these three wells is to be comingled for irrigation use on 1760 acres located within the N1/2 of Section 19, all of Section 20, all of Section 21 and W1/2 W1/2 of Section 22, all in T.35N., R.62E., M.D.B. & M.

IV

Timely protests to the granting of Applications 32169, 32170 and 32171 were filed on October 21, 1977 in the name of David L. Brough. The three protests, which are identical in wording, seek that the applications be "denied or given serious consideration before granted" on the following grounds:

"There is the possibility that the flow of water from these wells may interfere with and decrease the amount of water flowing from my wells, permit numbers 27003, 27004 and 31327. Note: The above permits are in the process of being changed from Vernon and Joanne Westwood to myself."

V

Applications 32169, 32170 and 32171 became ready for action by the State Engineer's office on October 22, 1977. Application 31327 became ready for action by the State Engineer's office on December 11, 1977.

VI

Based upon the location of each well as described under the applications, the proposed well under Application 31327 is located approximately 5,700 feet south of the proposed well under Application 32169, approximately 7,300 feet southeast of the point of diversion under Application 32170, and approximately 11,400 feet east, southeast of the point of diversion under Application 32171. Also, Applications 32169, 32170 and 32171 are located no less than 4,600 feet northwest of the well under Permit 27003, and no less than 5,700 feet northwest of the point of diversion under Permit 27004. Furthermore, the points of diversion under Applications 32169, 32170 and 32171 are located no less than 5,000 feet from each other.

CONCLUSIONS

I

The State Engineer has jurisdiction of the parties and the subject matter of this action in accordance with NRS 533.025 and NRS 533.030, subsection 1.

II

A diversion rate of 2.0 c.f.s. as applied for under Application 31327 is not considered to be excessive by the State Engineer for the irrigation of 300 acres.

III

A diversion rate of 6.0 c.f.s., as applied for under each of applications 32169, 32170 and 32171, is not considered by the State Engineer to be excessive for the irrigation of a total of 1760 acres.

IV

The distances between the points of diversion under the four separate applications, as described under Section VI of the Findings of Fact of this Ruling are considered adequate to prevent any undue interference between those proposed wells and other existing rights.

V

In accordance with NRS 533.370, subsection 1, the State Engineer shall approve all applications where the proposed use does not tend to impair the value of other existing rights or be otherwise detrimental to the public welfare.

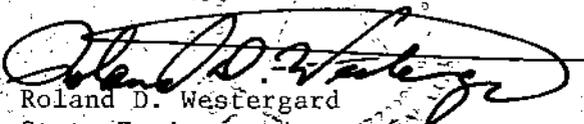
VI

All permits to appropriate water granted by the State Engineer are granted subject to existing rights.

RULING

The protests to the granting of Applications 31327, 32169, 32170 and 32171 are herewith ~~all~~ overruled on the grounds that the granting of permits under these applications will not tend to impair the value of other existing rights nor be otherwise detrimental to the public welfare. Upon receipt of the statutory permit fees, a permit will be granted under Application 31327, subject to existing rights, in the amount of 2.0 c.f.s. Upon receipt of the statutory permit fees under Applications 32169, 32170 and 32171, permits will be granted subject to existing rights in the amount of 6.0 c.f.s. for each permit.

Respectfully submitted,


Roland D. Westergard
State Engineer

RDW/BAR/bl

Dated this 10th day
of FEBRUARY, 1978.