

IN THE MATTER OF APPLICATIONS 36524,)
36525, 36823 AND 36824 FILED TO)
CHANGE UNDERGROUND WATER IN SMITH)
VALLEY, LYON COUNTY, NEVADA.)

RULING

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Applications 36524, 36525, 36823 and 36824 were filed by Hunewill Land and Livestock Co., Inc. to change the place of use of underground water for irrigation and domestic purposes.

Application 36524 was filed on January 24, 1979 to change 3.6 c.f.s. of water appropriated under Permit 25544, Certificate 8677. The point of diversion remains the same and is within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 31, T.12N., R.24E., M.D.M. The existing place of use is 125 acres within the SE $\frac{1}{4}$ said Section 31. No more than 500 acre-feet of ground water per year may be diverted under Permit 25544, Certificate 8677.

Application 36525 was filed on January 24, 1979 to change 2.7 c.f.s. of water appropriated under Permit 25237, Certificate 7355. The point of diversion remains the same and is within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ said Section 31. The existing place of use is 160 acres within the NW $\frac{1}{4}$ said Section 31. No more than 640 acre-feet of ground water per year may be diverted under Permit 25237, Certificate 7355.

The proposed place of use under Applications 36524 and 36525 is the same 285 acres as is now served by Permits 25544 and 25237 but under Applications 36524 and 36525, the water from either well could be used anywhere on the entire 285 acres instead of only on a part.

Applications 36823 and 36824 were filed on February 16, 1979 to change the place of use of Applications 36525 and 36524. Under Applications 36823 and 36824 the points of diversion would again remain the same but 15 acres of water rights would be stripped from the NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ said Section 31 and changed to a 15-acre portion of the W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 30, T.12N., R.24E., M.D.M. Application 36823 would change 0.142 c.f.s. of Application 36525. Application 36824 would change 0.189 c.f.s. of Application 36524.

Applications 36524 and 36824 were protested by Glen H. Smith who prayed that the applications be denied on the following grounds:

- "I. The proposed change would result in a heavier draft from the point of diversion and would adversely affect rights of protestant.

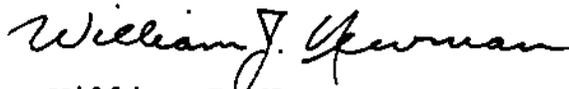
- II. The proposed change would result in an expansion of acreage irrigated from the point of diversion.
- III. Protestant's Application No. 27242 to appropriate water from an underground source was denied on the grounds it would have an adverse effect on Permit 25544, which Application 36524 proposes to change. The heavier draft from the point of diversion proposed under Application 36524, if approved, would have the same effect as a new appropriation."

Permits 30309 and 30310 were issued December 10, 1976 changing the place of use of Permit 25544, Certificate 8677 and Permit 25237, Certificate 7355 and allowing water from either well to be used anywhere on the entire 285 acres as Applications 36524 and 36525 propose. Permits 30309 and 30310 were cancelled on December 13, 1978 for failure to file Proofs of Beneficial Use.

RULING

The protests to Applications 36524 and 36824 are overruled on the grounds that existing rights will not be adversely affected since no additional appropriation of ground water is proposed nor will the point of diversion be changed. Permits will be issued under Applications 36524, 36525, 36823 and 36824 and the annual limits on the diversions will remain the same, that is 500 acre-feet from the point of diversion under Applications 36524 and 36824 and 640 acre-feet from the point of diversion under Applications 36525 and 36823.

Respectfully submitted,



William J. Newman
State Engineer

WJN/JC/dh

Dated this 2nd day
of August, 1979.