

IN THE MATTER OF APPLICATION 41684)
TO CHANGE THE POINT OF DIVERSION)
OF WATER HERETOFORE APPROPRIATED)
UNDER 32738 FROM AN UNDERGROUND)
SOURCE IN BUENA VISTA VALLEY,)
PERSHING COUNTY, NEVADA)

R U L I N G

FINDINGS OF FACT

I

Application 41684 was filed by W. Loyd McFee and Josephine McFee on July 10, 1980 for permission to change the point of diversion of 2.7 c.f.s. of water heretofore appropriated under Permit 32738. Water will be diverted from an underground source at a new point located within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 29, T.30N., R.35E., M.D.B. & M., and will be used for the irrigation of 160 acres in the S $\frac{1}{2}$ N $\frac{1}{2}$ said Section 29. This application became ready for action in this office March 20, 1981.

II

Permit 29065 in the name of Allan Bergendahl is for the diversion of 6.0 c.f.s. for the irrigation of 1920 acres in Sections 27 and 28 and the W $\frac{1}{2}$ of Sections 26 and 34, all in T.30N., R.35E., M.D.B. & M. This permit is for water from an underground source located within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 28, T.30N., R.35E., and has a priority date of December 18, 1974.

III

The well under 29065 is approximately 340 feet northeast of the proposed well site under Application 41684 and at about the same elevation. 1/

IV

Well log and pump test data collected for the well under 29065 and others in the vicinity indicate good clean gravel layers underlying the area with one well producing about 3,000 gallons per minute with a drawdown of about 50 feet in the well. 2/

CONCLUSIONS

1. The State Engineer has jurisdiction of the parties and the subject matter of this action. 3/
2. The State Engineer is prohibited by law from granting a permit where:
 - a. There is no unappropriated water at the proposed source, or
 - b. The proposed use conflicts with existing rights, or

c. The proposed use threatens to prove detrimental to the public interest. 4/

3. If Application 41684 is granted, an additional 1200 gallons per minute would be withdrawn from a highly permeable aquifer that is only 340 feet distant from an existing right. This additional withdrawal would result in a substantial lowering of static and pumping water levels in this area of concentrated pumping due to the interaction of the individual cones of depression created in the water table by each well. This additional withdrawal would, therefore, conflict with existing rights and threaten to prove detrimental to the public interest.

RULING

Application 41684 is hereby denied on the grounds that the further appropriation of ground water in this area would conflict with existing rights and threaten to prove detrimental to the public interest.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Peter G. Morros", is written over a large, hand-drawn oval scribble.

Peter G. Morros
State Engineer

PGM/TKG/dh

Dated this 2nd day

of February 1982.

FOOTNOTES

1. Public records in the office of the State Engineer.
2. Public records in the office of the State Engineer.
3. NRS 533.025 and 533.030, subsection 1.
4. NRS 533.370, subsection 4.