

IN THE MATTER OF APPLICATION NO.  
17585, FILED JUNE 19, 1958, BY  
SIERRA PACIFIC POWER COMPANY, AND  
PROTESTED JULY 18, 1958, BY  
A. W. NICHOLS.

R U L I N G

- General--

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On February 6, 1959, a field investigation was made relative to Application No. 17585. At the time of the investigation, small quantities of water were flowing from the Nichols' wells which are located approximately 4,000 feet from the Power Company test well. The Power Company well was also flowing a small quantity of water.

By stipulation between the parties and the State Engineer a formal hearing was waived and it was agreed that the matter would be submitted on briefs. Accordingly, briefs were submitted and the issue is before the State Engineer for his ruling.

For the purpose of this ruling the assumption is made that a water right for stock watering purposes is vested in the Protestant.

- Opinion -

The State Engineer has determined that there is unappropriated water in the Truckee Meadows ground water basin, and a specific finding to this fact is herein made.

It is the opinion of the State Engineer that the Nevada statutes dealing with water, being Title 48 of N.R.S., provides for the appropriation of ground water with a specific recognition of the fact that a new development and use of ground water will affect all existing ground water developments by causing a change in the static water levels (534.110 N.R.S.).

- Ruling -

The protest of A. W. Nichols is hereby overruled and a permit will be issued under Application No. 17585 upon receipt of the statutory permit fee.

Respectfully submitted,

*Edmund A. Muth*

EDMUND A. MUTH  
State Engineer

Dated this 19th day of  
April, 1961.