

IN THE MATTER OF APPLICATION 21692)
FILED BY ROBERT DUFURRENA, PHILIP)
GABICA AND PATRICIA GABICA TO CHANGE)
THE POINT OF DIVERSION AND PLACE OF)
USE OF UNDERGROUND WATER HERETOFORE)
APPROPRIATED UNDER PERMIT 18955 FOR)
IRRIGATION AND DOMESTIC PURPOSES IN)
HUMBOLDT COUNTY, NEVADA)

R U L I N G

General:

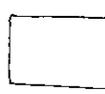
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Application 21692 was filed on December 18, 1963, to change the point of diversion and place of use of 2.7 c.f.s. heretofore appropriated under Permit 18955. The existing point of diversion is located within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 32, T. 43 N., R. 37 E., M.D.B.&M. or at a point from which the E $\frac{1}{2}$ corner of said Sec. 32 bears S. 45° E. at a distance of 80 feet. The proposed point of diversion is within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Sec. 32, or at a point from which the S $\frac{1}{4}$ corner of said Sec. 32 bears S. 44° 11' E., 71.6 feet. The existing place of use is described as 160 acres within the NE $\frac{1}{4}$ of said Sec. 32, and the proposed place of use is 160 acres within the SW $\frac{1}{4}$ of said Sec. 32.

Permit 12453 was issued to appropriate 2.7 c.f.s. from an underground source for irrigation and domestic purposes on 160 acres within the NE $\frac{1}{4}$ of Sec. 32 described above. The point of diversion under Permit 12453 is 61 feet from the point of diversion under Permit 18955. Permit terms under both of these permits limit the amount of water to be appropriated to a yearly duty of 4.0 acre-feet per acre of land irrigated.

Application 21693 was filed on December 18, 1963, to change the point of diversion of water heretofore appropriated under Permit 12453; no action has been taken on this application.

Opinion:

Due to the proximity of the locations of the points of diversion under Permits 12453 and 18955, it is our opinion that water granted under these permits would be withdrawn from the same ground water source and that the extent of the right under these permits is 4 acre-feet per acre for 160 acres or a total of 640 acre-feet per year. If Application 21693 is granted or if Permit 12453 is retained a right will exist for the withdrawal of 640 acre-feet from the ground water basin. If Permit 18955 is retained the total allowable withdrawal for the NE $\frac{1}{4}$ of Sec. 32 described will be 640 acre-feet per year. If Application 21692 were granted, a right would exist for



a "new" or additional withdrawal of 640 acre-feet per season from the ground water basin with the priority of June 21, 1960 (date of filing of Application 18955); such a procedure would result in a conflict with existing rights initiated after June 21, 1960.

RULING

Application 21692 is herewith denied on the grounds that the proposed change of place of use would result in a conflict with existing rights.

Respectfully submitted,

ELMO J. DeRICCO
State Engineer



By: George W. Hennen
Assistant State Engineer

Dated this 26th day of
March, 1964

GWH:RDW