

IN THE MATTER OF APPLICATION NO. 10663)
IN THE NAME OF CALIENTE PUBLIC UTILITIES)
TO APPROPRIATE UNDERGROUND WATER AND) R U L I N G
WHICH WAS PROTESTED BY CHARLES CULVERWELL)

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Application 10663 was filed on May 14, 1941 by Caliente Public Utilities to appropriate underground water for municipal purposes. The point of diversion of water is given as being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 8, T. 4 S., R. 67 E., M.D.B.&M. Said application was protested on August 20, 1941 by Charles Culverwell.

On December 17, 1943, a field investigation was made by the then Assistant State Engineer, Hugh A. Shamberger. From this investigation a temporary ruling was issued by the then State Engineer, Alfred Merritt Smith, on December 23, 1943, suggesting that the well at 10663 not be used for a period of time in order to determine the affect on protestant Culverwell's Spring. On March 30, 1965 and again on June 17, 1965, field investigations were made by Larry C. Reynolds, Hydraulic Engineer, of the Las Vegas Branch of the State Engineer's Office. From these three investigations it has been determined that Old Culverwell Spring, the waters of which are appropriated under Proof 02311, was dry before the well at 10663 was drilled; that this spring was dry on the date of these investigations; and that the spring has been dry continually for at least 10 years, by protestant Culverwell's own statement on June 17, 1965.

It is further found that Caliente Public Utilities has not used the well at 10663 at all for at least 10 years, and very little if at all, since the temporary ruling of December 23, 1943.

From the above it seems valid that the stopping of pumping from the protested well did not cause the return of flow in Old Culverwell Spring.

Whether or not pumping from 10663 will affect protestant Culverwell's well at 10625 can only be determined when both wells are in use, but because of distance between the wells and water conditions it is our opinion that there will be no adverse affects.

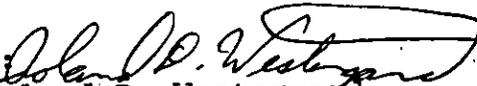
Therefore, since protestant Culverwell's spring was dry before the drilling of the protested well; and further, since the spring flow has not returned although the protested well has been unused as stated above, the grounds for protest can not be upheld.

RULING

Application 10663 will be granted subject to existing rights upon receipt of permit fees.

Respectfully submitted,

George W. Hennen
State Engineer

BY: 
Roland D. Westergard
Assistant State Engineer

Dated this 6th day of
July, 1965.