

IN THE MATTER OF APPLICATIONS 21966 )  
AND 21967 FILED TO APPROPRIATE GROUND )  
WATER IN RAILROAD VALLEY, NYE COUNTY, )  
NEVADA )

R U L I N G

GENERAL:

Applications 21966 and 21967 were filed on April 22, 1964 by William H. Casey.

Application 21966 was filed to appropriate 1.0 c.f.s. of water from an underground source for irrigation and domestic purposes. The point of diversion shown on the application is within the NW $\frac{1}{4}$  of the NE $\frac{1}{4}$  of Section 27, T. 6N., R. 56E., M.D.B.&M. and the place of use is the NW $\frac{1}{4}$  of the NE $\frac{1}{4}$  of said Section 27 (40 acres).

Application 21967 was filed to appropriate 1.4 c.f.s. of water from an underground source for irrigation and domestic purposes. The point of diversion shown on the application is within the SW $\frac{1}{4}$  of the NW $\frac{1}{4}$  of Section 27, T. 6N., R. 56E., M.D.B.&M. and the place of use is the W $\frac{1}{2}$  of the NW $\frac{1}{4}$  of said Section 27 (80 acres).

Protests to both applications were filed by Mrs. H. N. Sharp and Sons, on August 5, 1964, on the grounds: "that drilling may affect the flow of existing springs owned by us, which are less than one-half mile distant from the proposed point of diversion..."

There are no prior water rights of record in the protestant's name covering springs in the vicinity of the subject applications. The protestant claims that the waters of the springs have been appropriated through prior use, however, no Proofs of Appropriation or supporting evidence has been filed to support these claims. The limit and extent of any such rights would necessarily be established through adjudication proceedings. The protestants have not initiated such proceedings.

All permits to appropriate water are issued subject to existing rights; therefore any valid water right that may exist would be required to be satisfied before permits under Applications 21966 and 21967 would be served.

RULING

The protest to the granting of Applications 21966 and 21967 are overruled and Permits will be issued subject to existing rights upon receipt of the statutory permit fees.

Respectfully Submitted,

  
Roland D. Westergard  
State Engineer

RDW:BJV:jb

Dated This 5th Day  
of July 1967.