

Filed:
Oct. 14, 1963

IN THE MATTER OF APPLICATION

NUMBER 20791, FILED BY

F. Don Wadsworth

PROTEST OF Panaca Irrigation Company

By A. L. Scott, Its Attorney at Law

on Oct. 17, 1962, to APPROPRIATE
THE WATERS OF Panaca Big Spring

Comes now Panaca Irrigation Company

whose post-office address is Panaca, Nevada

whose occupation is distribution of water, and protests

the granting of application number 20791, filed on

October 17, 1962 by F. Don Wadsworth

to appropriate the waters of Panaca Big Spring

situated in Lincoln County, State of Nevada, for the

following reasons and on the following grounds, to wit:

1. Records in the office of the State Engineer of Nevada show that in 1941 the normal flow from the Panaca Big Spring is apparently 10 second feet of water; that in 1945 the White Wash Reclamation Company by A. V. Lee, Secretary, filed application for 5 second feet of the waters of Panaca Big Spring for irrigation purposes from October 1 of each year to April 1 of the following year, on March 26, 1947, Certificate No. 1278 was issued to the applicant granting 10 second c.f.s. of the waters of said Panaca Big Springs for the irrigation of 388.12 acres of land in portions of Sections 16, 17 and 20, T. 2 S., R. 68 E., M.D.M.; and that in 1946 it would appear that the Panaca Irrigation & Water Company claims something over 13 c.f.s. of this water under their vested right. Since the flow of water from live springs in this vicinity has materially decreased during the dry years since 1941, there is now no water from said Panaca Big Springs subject to application by any person.

2. That 10,500 feet of concrete pipeline proposed to be used by applicant under his Application 20791 to conduct the 3 c.f.s. of water applied for from the Big Spring to the southerly terminal of said pipeline, was constructed by Panaca Irrigation Company to replace the original open ditches constructed by early settlers in Panaca prior to 1905, Panaca Irrigation Company being the successor of Panaca Irrigation & Water Company, and the operation and use of said pipeline is now controlled by said Panaca Irrigation Company and the right to use of said pipeline by any individual for his own personal benefit cannot be granted by said company.

3. The open ditch running in a southerly direction from the southerly terminal of said pipeline, the major portion of which is likewise proposed to be used by applicant under Application 20791, was constructed at the expense of land and water owners in the White Wash Area (in Sections 17, 18 and 20) east of the proposed place of use by applicant under No. 20791 and said applicant has no right to the use of any part of said open ditch, as neither the applicant nor his predecessors had any interest in what was then known as the White Wash Area, all of which was east of the proposed place of use by said applicant.

4. Applications have been filed by F. Don Wadsworth for a total of 11 c.f.s. under Applications No. 20067 and 20068, both filed September 1, 1961 from underground wells to be used from January 1, to December 31 of each year for the irrigation of a total of 220 acres in Sections 18 and 19, T. 2S., R. 68E., M.D.M., the places of use in said two applications including part of the proposed place of use under Application No. 20791. Incidentally, the proposed places of use in said three applications were referred to in the early days as the "Sorry Farm" because the soil thereon prevented its beneficial use by irrigation from any source.

5. Granting said Application 20791 would tend to impair the value of existing rights and to be otherwise detrimental to the public welfare.

STATE OF NEVADA
COUNTY OF LINCOLN } ss.

A. L. Scott, being first duly sworn,
deposes and says, that he has read the foregoing protest and knows
the contents thereof and that the same is true of his own knowledge,
except as to the matters which are therein stated on information and
belief, and as to those matters he believes it to be true.

A. L. Scott

Subscribed and sworn to before me this 3 day of October 1963.

Bernice R. ...
COUNTY RECORDER ~~NOTARY PUBLIC~~
LINCOLN COUNTY,
PIOCHE, NEVADA

My Commission Expires _____

STATE ENGINEER
PIOCHE
1963 OCT 7 AM 10 41

STATE ENGINEER
1963 OCT 14 AM 10 52