

IN THE MATTER OF APPLICATIONS NOS.
12999, 13000, 13001 and 13002 IN NAME OF
SYLVAN R. FAMEL TO APPROPRIATE UNDERGROUND
WATER FOR IRRIGATION AND DOMESTIC PURPOSES,
WASHOE COUNTY, NEVADA.

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RULING

Applications Nos. 12999, 13000, 13001 and 13002 were filed August 3, 1949 by Sylvan R. Famel to appropriate underground water for irrigation and domestic purposes. The amount of water applied for, together with the proposed points of diversion and places of use, are as follows:

Application No. 12999 is to appropriate 1.0 c.f.s. of underground water at a point within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 23, T. 16 N., R. 19 E. for the irrigation of 40 acres of land located within portions of the S $\frac{1}{2}$ NE $\frac{1}{4}$ of said Section 23.

Application No. 13000 is to appropriate 1.0 c.f.s. of underground water at a point within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 23, T. 16 N., R. 19 E. for the irrigation of 40 acres of land located within portions of the S $\frac{1}{2}$ NE $\frac{1}{4}$ and N $\frac{1}{2}$ SE $\frac{1}{4}$ of said Section 23.

Application No. 13001 is to appropriate 1.0 c.f.s. of underground water at a point within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 23, T. 16 N., R. 19 E. for the irrigation of 40 acres of land within portions of the N $\frac{1}{2}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 23.

Application No. 13002 is to appropriate 1.0 c.f.s. of underground water at a point within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 22, T. 16 N., R. 19 E. for the irrigation of 40 acres of land in portions of the NW $\frac{1}{4}$ of said Section 22.

Notices of said applications were published in the Nevada State Journal for the required period of time, the last publication being on July 15, 1951. On August 10, 1951, and within the period prescribed by law for the filing of a protest to the granting of a permit to appropriate water, protests to the granting of permits under Applications Nos. 12999, 13000, 13001 and 13002 were filed by Fay Winters Hartung and Ina Winters Wilson, as tenants in common. The reasons and grounds presented in said protests are as follows:

"That protestants are tenants in common on certain lands adjacent to and bordering on Washoe Lake in Sections 23, 24, 25 and 26, T. 16 N., R. 19 E., M.D.B.&M., Washoe County, Nevada; that they are the owners and holders of certain water rights and the right to use of the waters of Washoe Lake for the said above-described lands owned by them as tenants in common. Washoe Lake is used as a reservoir for holding and retaining the entire

drainage of Washoe Valley and is the lowest point in Washoe Valley; that Washoe Lake receives its supply from both surface and underground drainage; that Washoe Valley is a basin consisting principally of loose and sandy soil and gravel and on the westerly side of said valley there exists large areas of glacial material known as "glacial moraines". That the taking of water from said underground basin will invade and impair the prior rights of protestants herein and will, in effect, withdraw from said underground basin waters which provide the supply, both surface and underground, of Washoe Lake heretofore appropriated and used by protestants. That there is no unappropriated water in Washoe Valley basin above or beneath the surface of the ground. That the granting of the application will provide a means to invade and impair the prior rights of protestants and cause a multiplicity of suits."

The protestants' water right in Washoe Lake is evidenced by Certificate No. 910 issued under Permit No. 2382 in the amount of 7.481 c.f.s. of water for the irrigation of 748.10 acres of land adjoining the southerly end of the Lake. Within recent years some 331.3 acres of the land having a water right under Certificate No. 910 was sold without the appurtenant water. On November 19, 1951 Ina May Winters Wilson and Ileene Fay Winters Hartung, owners of Certificate No. 910 and protestants herein, filed Application No. 13919 to change the place of use of the waters appurtenant to the said 331.3 acres of land to the remaining 416.8 acres of land. This application was approved February 19, 1952 and is in good standing.

On June 13, 1951 Fay W. & Bernard Hartung filed Application No. 13749 to appropriate underground water for irrigation and domestic purposes at a point within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 23, T. 16 N., R. 19 E. On January 10, 1952 a permit was issued under this application in the amount of 1.0 c.f.s. for the irrigation of 30 acres of land. This permit is junior in priority to the applications of Sylvan R. Famel. The proposed point of diversion under Permit No. 13749 is located about 2100 feet S.E. of the proposed point of diversion under Application No. 13001 and about 2300 feet S.W. of the proposed point of diversion under Application No. 13000. The proposed points of diversion under Applications Nos. 12999 and 13000 are both located east of U. S. Highway 395 and are about one-half mile westerly of Washoe Lake. The proposed well sites under Applications Nos. 13001 and 13002 are about one mile and one and three-quarters miles, respectively, westerly of Washoe Lake.

Applicant Famel has previously drilled three wells, all located in Section 22, T. 16 N., R. 19 E. which varied in depth from 56 feet to 141 feet. The capacity of the wells, as estimated by the driller, varied from three gallons per minute to twenty gallons per

minute. All three of these wells were in granite formation. A number of wells have been drilled along the base of the mountains westerly from U. S. Highway 395 and all were small producers. Mr. Wellesly drilled an 80 foot well in the NW $\frac{1}{4}$ Section 25 and which would be about a mile southeasterly of the proposed well under Application No. 13000. This well had an artesian flow of about two gallons per minute. Most of the wells in this area are under artesian pressure and such pressure is evidenced in wells on the easterly side of the Lake.

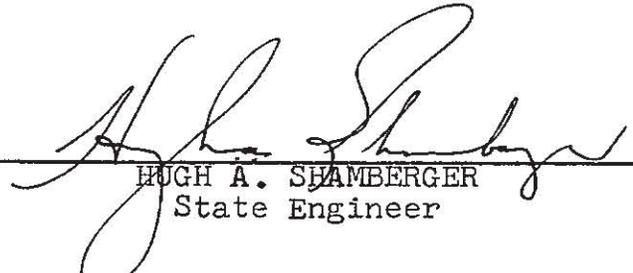
From our studies we are of the opinion that Washoe Lake is not influenced in any measurable degree by ground water conditions.

Water in any substantial amount has not been developed by any of the existing wells in Washoe Valley and it is questionable in our minds if the Applicant herein will be able to develop the amount of water applied for unless greater depths are obtained than in the existing wells. Whether or not deep drilling will develop substantial amounts of water can only be determined by exploration drilling.

RULING

Being of the opinion that the existing rights of protestants will not be adversely affected by the granting of permits under Applications Nos. 12999, 13000, 13001 and 13002, the protests are herewith overruled and permits will be issued under said applications following the receipt of the statutory permit fees.

Respectfully submitted,



HUGH A. SHAMBERGER
State Engineer

June 17, 1952.