

RULING

IN THE MATTER OF APPLICATIONS - 14541 (HELEN B. ARNOLD) ;
14542 (H. J. BUCHENAU); 14543 (ELSIE BUCHENAU);
14547 (MAXINE W. HOLMES); 14973 (LOLA M. MAULDIN);
14974 (J. M. MAULDIN); 14977 (BUCKIE A. MAULDIN);
15038 (WILMA A. MAULDIN); 15039 (JIMMIE B. MAULDIN);
15178 (FRANCES M. McCOY); 15179 (J. B. McCOY);
15353 (EDWARD B. FRASIER); 15400 (MRS. EMMA L. SMITH);
15401 (GARLAND W. SMITH); and 15447 (EDWARD B. FRASIER)

All Protested by Dan Filippini

(Individual Rulings sent out on each application)

The prior vested and permitted water rights of Mr. Dan Filippini are recognized by the State Engineer. However, the State Engineer is of the opinion that there is, in addition to the rights of Mr. Filippini, unappropriated ground-water in Crescent Valley which is subject to appropriation under the Nevada Water Laws.

Because of the distance between the proposed point of diversion under Application _____, and the existing rights of Mr. Filippini, the State Engineer feels that no direct interference can take place; however, should undue interference develop, the State Engineer, by Statute, will be obligated to curtail the use of water under Application _____. Should over-pumping of the area result in a general lowering of the water table to a point where the economic pumping level is exceeded, the State Engineer will be required to curtail pumping in the order of the priority of water rights.

It is the opinion of the State Engineer that Mr. Filippini's rights, and all other prior rights, are adequately protected by Statute.

RULING

The protest of Mr. Dan Filippini is overruled and a permit will be issued subject to existing rights upon receipt of the statutory permit fee.

Respectfully submitted,

HUGH A. SHAMBERGER
State Engineer

By

Edmund Muth

EDMUND MUTH
Assistant State Engineer

Dated this 30th day
of September, 1955.

MEMORANDUM

IN THE MATTER OF MR. DAN FILLIPPINI
PROTESTING CERTAIN APPLICATIONS FOR
WATERS FROM AN UNDERGROUND SOURCE
IN CRESCENT VALLEY, LANDER COUNTY,
NEVADA.

*Place in rushing brook
water ...*

Mr. Dan Fillippini, on June 15, 1955, filed protest against the following applicants for undergroundwater in Crescent Valley, Nevada.

Lola M. Mauldin	Application no. 14973
J. M. Mauldin	Application no. 14974
Buckie A. Mauldin	Application no. 14977
Maxine W. Holmes	Application no. 14547
H. J. Buchenau	Application no. 14542
Elsie Buchenau	Application no. 14543
Wilma A. Mauldin	Application no. 15038
Jimmie B. Mauldin	Application no. 15039
Francis M. McCoy	Application no. 15178
J. B. McCoy	Application no. 15179

On August 4, 1955, an investigation was made of the area to try to establish whether or not the wells applied for would materially damage the water rights held by Mr. Dan Fillippini.

The application made by H. J. Buchenau, Elsie Buchenau, and Maxine Holmes are located nearly three miles north of the Fillippini ranch and at about the same elevation. The general topography indicates that they are on different out wash fans and that underground flow should be to the east into the lowest part of the valley. It is doubtful whether water from this area would even get to the protestant's ranch.

Therefore, because of the general topography and the distance from the Fillippini ranch, I see no reason why these three permits; 14542, 14543, and 14547, cannot be approved.

The remaining 7 applications are located southwest of the protestant's ranch and at about the same elevation.

The only stream of any consequence that comes into the area is Indian Creek, which flows directly into the Fillippini ranch and is used there. The ranch is so located that it has the use of the stream and I believe most of the underflow from the stream.

The protested wells would be located nearly two miles to the southwest and on the edge of the Indian Creek fan. This fact alone would make it difficult for such wells to do much damage. The general topography indicates that the flow

would be away from and around the protestant's ranch. I do believe that there is a possibility of small interference in stock wells directly east of the proposed wells, It is possible, but should be only minor.

In the light of the above information, and the fact that all permits are granted subject to existing rights, I see no reason for not approving applications numbers 14973, 14974, 14977, 15038, 15039, 15178, and 15179.

Respectfully submitted,



H. E. WINCHESTER
Ground Water Geologist

August 10, 1955