

IN THE MATTER OF APPLICATION NO.  
18938, FILED BY F. M. FULSTONE,  
INC., TO APPROPRIATE UNDERGROUND  
WATER FOR IRRIGATION AND DOMESTIC  
PURPOSES IN LYON COUNTY, NEVADA.

R U L I N G

General:

Application No. 18938 was filed to appropriate 8.0 c.f.s. of water from an underground source within the SW $\frac{1}{4}$  NW $\frac{1}{4}$  Sec. 30, T. 11 N., R. 24 E., M.D.B.&M., for the irrigation of 600 acres of land.

Protests to the granting of this application were filed as follows:

On July 27, 1960, by Walter R. Schwake  
On July 27, 1960, by Fred W. Settelmeyer  
On August 1, 1960, by Mabel Batjer  
On August 3, 1960, by R. McVicar  
On August 3, 1960, by N. McVicar  
On August 8, 1960, by Norman D. Brown, Inc.  
On August 15, 1960, by Alex Miller  
On August 15, 1960, by T. J. Fredericks  
On August 31, 1960, by James McKay

The lands to be irrigated under this permit are covered by the following existing water rights:

Certificate No. 3725 issued under Permit No. 12275 for 0.5 c.f.s., or 160 acre-feet per annum, from an underground source within the SE $\frac{1}{4}$  SE $\frac{1}{4}$  Sec. 19, T. 11 N., R. 24 E., M.D.B.&M.

Certificate No. 3726 issued under Permit No. 12276 for 0.20 c.f.s., or 120 acre-feet per annum, from an underground source within the NE $\frac{1}{4}$  NE $\frac{1}{4}$  Sec. 30, T. 11 N., R. 24 E., M.D.B.&M.

Certificate No. 3727 issued under Permit No. 12277 for 0.89 c.f.s., or 112 acre-feet per annum, from an underground source within the SE $\frac{1}{4}$  NE $\frac{1}{4}$  Sec. 30, T. 11 N., R. 24 E., M.D.B.&M.

In addition to the above underground water rights, 550 acres of the land to be irrigated are covered by decreed and storage water rights from the Walker River.

It is the opinion of this office that granting this permit will not impair the value of existing water rights in view of the conditions listed below:

(1) The applicant owns extensive existing water rights on the lands proposed to be irrigated under this application;

(2) Provisions in this permit require that the water be used to supplement existing water rights only;

(3) The water must be used on lands having existing water rights and no new lands may be irrigated;

(4) Water may not be pumped to replace existing water rights that have been temporarily transferred off of the land.

RULING

The protests to the granting of Application No. 18938 are herewith overruled on grounds that its granting will not impair the value of existing rights or be otherwise detrimental to the public welfare.

On receipt of the statutory permit fee a permit will be issued under this application subject to the following provisions:

- (1) The water must be used in conjunction with present water supplies;
- (2) The water granted will be limited to supplemental use and is appurtenant to the 550 acres having existing water rights;
- (3) The amount of diversion is limited to 5.5 c.f.s.
- (4) The permit is issued subject to all existing water rights on the source.

Respectfully submitted,

*Edmund A. Muth*

EDMUND A. MUTH  
State Engineer

Dated this 1st day of  
May, 1961.