

IN THE MATTER OF APPLICATION 23627 )  
FILED TO APPROPRIATE WATER FROM AN )  
UNDERGROUND SOURCE IN SMITH VALLEY, )  
LYON COUNTY, NEVADA )

R U L I N G

GENERAL:

Application 23627 was filed January 23, 1967 by Fred M. Fulstone, Jr., to appropriate 6.0 c.f.s. of water from an underground source for irrigation and domestic purposes. The point of diversion described in the Application is within the NE $\frac{1}{4}$  NW $\frac{1}{4}$  Section 21, T. 10N., R. 24E., M.D.B.&M. The place of use is described as the NE $\frac{1}{4}$  NW $\frac{1}{4}$  Section 21; E $\frac{1}{2}$  SW $\frac{1}{4}$ , SE $\frac{1}{4}$ , S $\frac{1}{2}$  NW $\frac{1}{4}$  and NW $\frac{1}{4}$  NW $\frac{1}{4}$  Section 16, T. 10N., R. 24E., M.D.B.&M., a total of 400 acres.

Application 23627 was protested March 2, 1967 by Louis Cordone. Mr. Cordone's protest was based on the ground "That due to the closeness of the proposed well to my wells under Permits 14987 and 18879, and the fact that the proposed well would tap the water strata above my wells in the direction of flow of the underground water. I believe that the granting of this application would interfere with my existing water rights."

Static water level measurements made by this office in the general vicinity of the subject Application indicate that there has been little change over the past 12 years in static water levels.

A field investigation regarding the subject Application was made June 9, 1967. The results of the field investigation indicate that the proposed well to be drilled under Application 23627 is over 1 $\frac{1}{2}$  miles from the existing wells covered by Permits 14987 and 18879.

OPINION:

It is the opinion of this office that the granting of Application 23627 will not impair the value of existing rights.

RULING

The protest to the granting of Application 23627 is herewith overruled on the grounds that the granting of the subject Application will not impair the value of existing rights or otherwise be detrimental to the public welfare. A permit will be issued under Application 23627 subject to existing rights upon receipt of the statutory permit fees.

Respectfully Submitted,

  
Roland D. Westergard  
State Engineer

RDW:HEW:dih

Dated this 17th day  
of July, 1967