IN THE MATTER OF APPLICATION 23677 )
FILED BY H. R. IVINS AND ALBERT )
GUBLER TO APPROPRIATE WATER FROM ) RULING
AN UNDERGROUND SOURCE IN WHITE RIVER)
VALLEY IN WHITE PINE COUNTY, NEVADA )

GENERAL:

Application 23677 was filed February 8, 1967 to appropriate 2.7 c.f.s. of water from an underground source. The point of diversion described in Application 23677 is within the NW¼ NE¼ of Section 4, T. 11N., R. 62E., MDB&M. The place of use is described as being portions of Sections 4 and 5 in T. 11N., R. 62E., and portions of Sections 32 and 33 in T. 12N., R. 62E., (approximately 160 acres). The proposed use is Irrigation and Domestic.

The Application was protested on April 7, 1967 by the Lund Irrigation and Water Company. The Application was protested on the grounds that "this installation is close to the Lund Spring and could be detrimental to said spring. That it would impair and conflict with the value of existing rights; that it would be against public policy to grant said application, and contrary to statute; that the granting of said application would interfere with the customary use of Protestant's existing rights."

A memorandum of agreement dated September 23, 1948 between Lund Irrigation Company and Albert Gubler and Harold R. Ivins recognizes the right of Gubler and Ivins to three-sixteenths (3/16) of the water of Lund Spring as the same may flow or exist at any time.

A field investigation in the matter of Application 23677 was held June 22, 1967 and the existing well which is covered by Application 23677 was found to be approximately 1320 feet southwest of Lund Spring.

Records are available in this office which indicate the flow of Lund Spring at least once a year during the following years: 1910, 1935 through 1937, 1944, 1947 through 1953, and 1955. All the measurements made prior to 1948 were made with a current meter. In 1948 a 3.0 Parshall Flume was installed in the Lund Irrigation Company ditch and a 9 inch Parshall Flume was installed in the Ivins-Gubler ditch. All measurements made since 1948 were made from the gage readings on the Flumes.

Records are not available in this office of the flow of Lund Spring from 1955 to present with the exception of a measurement made by Bud Danner on July 15, 1967. The aforementioned measurement was made with a current meter in each of the two ditches and compared with the Parshall Flume readings on each flume. The measurement of the flow of water in the Lund Irrigation Company ditch was 5.205 c.f.s. and the reading on the 3.0 foot Parshall Flume indicated a flow of 7.17 c.f.s. The reason for the difference was that the Flume was submerged and not level. The measurement in the Ivins-Gubler ditch was 1.539 c.f.s. and the reading on the 9 inch Flume indicated a flow of 1.30 c.f.s. The reason for the difference was that the flume was not level.

OPINION:

It is the opinion of the State Engineer that the only way to determine whether or not the pumping of the well covered under Application 23677 would adversely affect the flow of Lund Spring would be to have a continuous record, in the future, of the flow of water from Lund Spring to compare with previous records before the well was drilled and used.

It is also the opinion of the State Engineer that in order to determine the affect of the subject well it will be necessary to have complete records of the periods of time the well is used as well as the amount of water pumped.

In order to obtain continuous flow records of Lund Spring it will be necessary to install a Stevens type F Recorder (8 day clock) on both the 3.0 foot Parshall Flume in the Lund Irrigation Company ditch and the 9 inch Parshall Flume in the Ivins-Gubler ditch after both flumes have been adjusted and leveled.

In order to obtain complete records of the amount of water pumped from the well covered under Application 23677 it will be necessary to install either a total-flow type water meter in the discharge pipe line, near the point of diversion, or a Parshall Flume together with a Stevens type F Recorder in the Ivins-Gubler ditch downstream from where the water from the subject well enters said ditch.

It is also the opinion of the State Engineer that the applicants wishing to appropriate water under Application 23677 should pay for the recorder and appurtenant equipment to be installed on the existing 9 inch Parshall Flume and the meter or Parshall Flume and Recorder to be installed on the discharge pipe line or in the ditch downstream from the well respectively.

Further it is the opinion of the State Engineer that the Lund Irrigation Company, who protested Application 23677, should pay for the recorder and appurtenant equipment to be installed on the existing 3.0 foot Parshall Flume.

All of the recorders shall be ordered through the Division of Water Resources; the installation of said recorders shall be under the direct supervision of Division of Water Resources personnel; the recorders on the existing 3.0 foot and 9 inch Parshall Flumes shall be operated and maintained by the Lund Irrigation Company and the records, at the end of each 8-day period, shall be sent to the Division of Water Resources.

The applicants under Application 23677 shall operate and maintain the meter or recorder, whichever they chose to install, and shall furnish to the Division of Water Resources records of water pumped from the subject well from either the meter readings on a weekly basis or submit the record from the recorder at the end of each 8 day period. The applicants shall also provide a record of the period of time the well is turned on and off. The information pertaining to when the well is pumped shall be sent to the Division of Water Resources once a month.

RULING

The Protest to the granting of Application 23677 is herewith overruled and a permit will be issued under the application, subject to existing rights, upon receipt of the statutory permit fee. The permit will be issued subject to the provision that Stevens type F Recorders be installed as described above on the existing 3.0 foot Parshall Flume and on the existing 9 inch Parshall Flume and that either a total flow type meter be installed as described above in the discharge line of the well or a Parshall Flume, together with Stevens type F Recorder, be installed in the Ivins Gubler ditch downstream from the well. All of which shall be done on or before April 1, 1968.

Respectfully Submitted,

Roland D. Westergard
State Engineer

RDW:BJV:dih

Dated this 23rd day

of October ,1967