

IN THE MATTER OF APPLICATION NO. 13460 FILED)
 BY SIDNEY H. SMYTH TO APPROPRIATE WATER FROM :
 AN UNDERGROUND SOURCE FOR IRRIGATION AND : RULING
 DOMESTIC PURPOSES IN LANDER COUNTY, NEVADA.)

Application No. 13460 was filed by Sidney H. Smyth on August 9, 1950 to appropriate 1500 acre-feet per annum of water from an underground source for irrigation and domestic purposes. The point of diversion is located within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 10, T. 32 N., R. 44 E., M.D.B.&M., and the place of use is 320 acres of land in Lots 5, 6, 11 and 12, and the NE $\frac{1}{4}$ Section 10, T. 32 N., R. 44 E., M.D.B.&M.

No protests to the granting of a permit under this application were filed.

General:

On August 10, 1951 a field investigation in the matter of Application No. 13378 was held by E. J. DeRicco, Field Deputy State Engineer.

Application No. 13378 was filed by Charles J. Allen on May 16, 1950 to appropriate 4.0 c.f.s. of water from an underground source (Liberty Well) for irrigation and domestic purposes. The point of diversion is located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 10, T. 32 N., R. 44 E., M.D.B.&M. and the place of use is 160 acres of land in the NW $\frac{1}{4}$ Section 14, T. 32 N., R. 44 E., M.D.M.

From said investigation, and from records in this office, it was found that:

- (1) The well described under Applications Nos. 13460 and 13378 is an existing well, known as Liberty Well, originally drilled by the B & M Mining Co. under Permit No. 10512.
- (2) Permit No. 10512 was cancelled on April 8, 1946 because of the failure of the permittee to comply with the provisions of the permit.
- (3) The ground water in the vicinity of Liberty Well was unappropriated.
- (4) The land to be irrigated under Application No. 13378 was applied for under the Homestead Act and said application for land was approved by the Bureau of Land Management.

On March 12, 1952 Application No. 13378 was approved for 3.0 c.f.s. of water for irrigation and domestic purposes.

RULING

The ground water in the vicinity of the point of diversion described under Application No. 13460 has been appropriated by Charles J. Allen under Permit No. 13378.

In view of existing conditions, Application No. 13460 is herewith denied on the grounds that the granting thereof would tend to impair the value of existing rights and be detrimental to the public welfare.

Respectfully submitted,

HUGH A. SHAMBERGER
State Engineer

By

Edmund Muth

EDMUND MUTH
Assistant State Engineer

Dated this 30th
day of December, 1953.