

IN THE MATTER OF APPLICATION 25872)
FILED BY JAMES ROLPH III. TO APPRO-)
PRIATE WATERS FROM AN UNDERGROUND)
SOURCE IN LYON COUNTY, NEVADA.)

R U L I N G

GENERAL:

107 Application 25872 was filed November 20, 1970, by James Rolph III for permission to appropriate 6.0 c.f.s. of water from an underground source for the irrigation of 320 acres and domestic use. Water is to be diverted from its source at a point within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 15, T.11N., R.23E., M.D.B.&M. Place of use is described as being within the N $\frac{1}{2}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 15, T.11N., R.23E., M.D.B.&M.

A protest to the granting of this Application 25872 was filed on February 2, 1971, by James R. O'Banion. The basis of the protest is that the appropriation of 6 second feet of water from the well situated as close to the well belonging to the protestants would very likely lower the pumping level to such an extent that it would increase cost and that the protestants fish propagation hatchery and farming would become unprofitable.

A field investigation was held on May 10, 1971, in the matter of a protested Application 25872. The proposed point of diversion under Application 25872 and Permits 24347 and 21279 of the protestants were determined to be separated by approximately 1450 to 1500 feet. The proposed well under this application is supplemental to 550.10 acre feet of storage water from the Walker River.

OPINION:

The field investigation and topography indicate a satisfactory spacing between existing protestants well and the applicants proposed point of diversion. Nevada Revised Statutes 534.110 Section 4 provides that appropriations will be granted with the understanding that the right must allow for a reasonable lowering of the static water level at the permittees well due to other ground water development in the general area. This was a condition of Permits 24347 and 21279.

RULING

The protest of the granting of Application 25872 is herewith overruled on the grounds that the granting will not adversely effect existing rights held by the protestant, or otherwise be detrimental to the public welfare. On payment of the statutory permit fees a permit will be granted to Application 25872 subject to existing rights and with further provision that the granting must allow for a reasonable lowering of the static water level, and with the further provision that no perforations will be placed in the well for the first 100 feet due to the close proximity of the Colony Ditch.

Respectfully submitted,


Roland D. Westergard
State Engineer

RDW:DLW:jw

Dated this 19th day of
May, 1971.