

IN THE MATTER OF APPLICATIONS 26507, 26508,)
and 26509 TO APPROPRIATE THE WATERS OF AN) R U L I N G
UNDERGROUND SOURCE BY KENNETH L. ELLSWORTH)
IN PERSHING COUNTY, NEVADA)

GENERAL:

Application 26507 was filed on January 31, 1972, by Kenneth L. Ellsworth to appropriate 6.5 c.f.s. of water from an underground source for irrigation purposes. The point of diversion is within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 36, T.29N., R.32E., M.D.B.&M., or at a point from which the NE corner of said Section 36 bears N. 64° 23' 30" E. a distance of 986 feet. The place of use is 160 acres in the NE $\frac{1}{4}$, said Section 36.

Application 26508 was filed on January 31, 1972, by Kenneth L. Ellsworth to appropriate 6.5 c.f.s. of water from an underground source for irrigation purposes. The point of diversion is within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 36, T.29N., R.32E., M.D.B.&M. or at a point from which the NE corner of said Section 36 bears N.51° 21' 30" E. a distance of 1,180 feet. The place of use is 160 acres within the NE $\frac{1}{4}$, said Section 36.

Application 26509 was filed on January 31, 1972 by Kenneth L. Ellsworth to appropriate 6.5 c.f.s. of water from an underground source for irrigation purposes. The point of diversion is within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 36, T.29N., R.32E., M.D.B.&M. or at a point from which the NE corner of said Section 36 bears N. 48° 23' 40" E. a distance of 2,094 feet. The place of use is 160 acres within the NE $\frac{1}{4}$, said Section 36.

Protests to the granting of these applications were filed March 10, 1972, by the Pershing County Water Conservation District. The grounds of the protests were "That the granting of said Application will effect the water table and drainage and adversely effect the Decreed Waters of the Humboldt River."

The proposed points of diversion under Applications 26507, 26508, and 26509 are all in excess of $\frac{1}{2}$ mile from the channel of the Humboldt River.

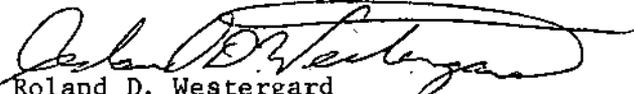
The proposed points of diversion are within the designated area of the Oreana Ground Water Basin as set forth in the State Engineer's Order No. 369. They are not within the area described in State Engineer's Order No. 370 which declares certain ground waters in the Oreana Ground Water Basin as being preferred for Municipal Use for the City of Lovelock and the residents of Lovelock Valley.

Evidence and data available indicate that the granting of permits under Applications 26507, 26508 and 26509 will not adversely effect existing water rights.

RULING

The protests to the granting of Applications 26507, 26508 and 26509 are herewith overruled. Permits will be issued, subject to existing rights, upon receipt of the statutory permit fees.

Respectfully submitted,


Roland D. Westergard
State Engineer

RDW:BLR:ga

Dated this 25th day of
April, 1972