

IN THE MATTER OF APPLICATION 27667)
FILED BY ROCKWELL INTERNATIONAL TO)
CHANGE THE POINT OF DIVERSION AND) R U L I N G
PLACE OF USE OF WATER FROM AN UNDER-))
GROUND SOURCE IN WASHOE COUNTY,))
NEVADA.))

GENERAL:

Application 27667 was filed by Rockwell International on August 1, 1973, for permission to change the point of diversion of 0.5 c.f.s. of water from an underground source, a portion heretofore appropriated under Permit 23888.

The proposed point of diversion is described as within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 5, T.22N.,R.21E., M.D.B.&M. The existing point of diversion under Permit 23888 is described as within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 5, T.22N.,R.21E., M.D.B.&M. The proposed place of use is described as 40.0 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ and 26.6 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 4, T.22N.,R.21E., M.D.B.&M., a total of 66.6 acres.

The existing place of use under Permit 23888 is described as 16.6 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, 5.2 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, 0.4 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, all in Section 5; 6.7 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, 0.7 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, 6.8 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, 26.1 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, 0.1 in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and 4.0 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 8, T.22N.,R.21E., M.D.B.&M., a total of 66.6 acres.

A permit was issued under Application 23888 on January 17, 1968, for 5.0 c.f.s. for irrigation purposes. This permit is in the name of Rockwell International Corporation.

Application 27667 was ready for action on November 1, 1973, however, this application was protested by Robert W. Marshall et al on October 30, 1973. This application was protested on the grounds that ".....the use of water in connection with this development is inconsistent with the use of such water for the irrigation of crops....prevent other property owners in Warm Springs Valley from appropriating water for beneficial use....." The protestant

also stated that the applicants would not use any of the water under this application until 1988 and that the balance of the water under this application (1,080 acre-feet per annun) would never be used by the applicant for the intended use.

RULING:

The protest of Application 27667 is herewith overruled on the grounds that Application 27667 was properly executed under NRS 533.040 and 533.345 to Change the Point of Diversion and Place of Use of an existing appropriated water right and the granting of this permit will not adversely affect existing water rights in this area. The Proof of Beneficial Use will be required to be filed under this permit on or before August 9, 1975.

Respectfully submitted,


Roland D. Westergard
State Engineer

RDW:PGM:jw

Dated this 17th day of
December , 1973.