

IN THE MATTER OF APPLICATION)
28875 FILED BY ERNEST ULRICH)
TO APPROPRIATE WATER FROM AN)
UNDERGROUND SOURCE IN)
WHITE PINE COUNTY, NEVADA.)

R U L I N G #2092

2092

GENERAL:

Application 28875 was filed November 4, 1974 by Ernest Ulrich for permission to appropriate 6.0 c.f.s. of water from an underground source for irrigation and domestic purposes on 360 acres in Section 36, T.13N., R.60E., and Sections 30 and 31, T.13N., R.61E., M.D.B. & M. The point of diversion is described as within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 31, T.13N., R.61E., M.D.B. & M.

A protest to the granting of Application 28875 was filed on December 16, 1974 by Jerry F. Gardner on the grounds that "The proposed point of diversion will irreparably damage the irrigation and domestic rights under Application No. 28771 and 28819 and also other Adjudicated Rights in the area".

A second protest to the granting of Application 28875 was filed on February 2, 1975 by the State of Nevada, Department of Fish and Game on the grounds that "Preston and Lund Springs are in close proximity to the proposed well. The springs contain White River Mountain Sucker, White River Spindace and White River Spring fish which are listed as rare and are protected. The proposed well may cause artificial lowering of the spring pools and jeopardize the rare fish therein. This protest will be withdrawn if, in the opinion of the protestant, adequate safeguards are provided for fish and wildlife and their habitat".

On September 24, 1975 personnel of the Division of Water Resources held a field investigation. It was found the proposed well was approximately 100 feet north of a spring area, the subject of Permit 28871, issued to Jerry F. Gardner. The proposed well under Application 28875 also is located approximately 1,300 feet Northwest of the point of diversion under Permit 28819 for another spring. This permit is in the name of Jerry F. Gardner.

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OPINION:

It is the opinion of the State Engineer that the granting of this application for a well within such close proximity to a spring with existing water rights would tend to impair the value of existing rights.

RULING:

The protest of Jerry F. Gardner to the granting of Application 28875 is herewith sustained and Application 28875 is hereby denied on the grounds that its granting would tend to impair the value of existing rights.

Respectfully submitted,


Roland D. Westergard
State Engineer

RDW/DB/bs

Dated this 4th day
of November, 1975.