

IN THE MATTER OF APPLICATIONS )  
28473 THROUGH 28484, INCLUSIVE, )  
FILED TO APPROPRIATE THE WATERS )  
FROM AN UNDERGROUND SOURCE )  
WITHIN THE IMLAY SEGMENT, )  
PERSHING COUNTY, NEVADA. )

R U L I N G

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GENERAL:

Applications 28473 through 28484, inclusive, were filed on July 8, 1974 by Clair Kracaw to appropriate 8.0 c.f.s. of water under each application for irrigation and domestic uses on 3,840 acres of land located within Sections 2, 12, 13, 14, 22, E $\frac{1}{2}$  of Section 10 and the N $\frac{1}{2}$  of Section 34, all in T.32N., R.35E., M.D.M.

Protests to the granting of Applications 28473 through 28484, inclusive, were filed on November 18, 1975 by the Pershing County Water Conservation District. The basis of protests are that additional appropriations of water will impair and injure the existing water rights from the Humboldt River system. Protests filed on December 18, 1974, by the Star Sheep Co. requested the granting of Applications 28473, 28478 and 28479 be made subject to prior stockwatering rights of protestant. Applications 28473 through 28484, inclusive, are in close proximity to other applications to appropriate water from an underground source.

A hearing in the matter of the above applications was held on September 3, 1975 in Lovelock, Nevada. The transcript of this hearing is available in the office of the State Engineer.

In response to an indication from the State Engineer that 1,280 acres was the maximum acreage that could be allowed water rights under the subject applications, the applicant submitted information requesting permits be granted for the following described lands:

W $\frac{1}{2}$  E $\frac{1}{2}$ , E $\frac{1}{2}$  W $\frac{1}{2}$ , Section 2; W $\frac{1}{2}$  E $\frac{1}{2}$ , E $\frac{1}{2}$  W $\frac{1}{2}$ , Section 12;  
W $\frac{1}{2}$  Section 13 and E $\frac{1}{2}$  Section 14, all in T.32N.,  
R.35E., M.D.M.

RULING:

Protests to Applications 28476 through 28479 and 28481 through 28484, inclusive, are hereby overruled and

RULING

Applications 28473 through 28484

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permits will be issued upon receipt of permit fees and made subject to existing prior rights and with the following conditions:

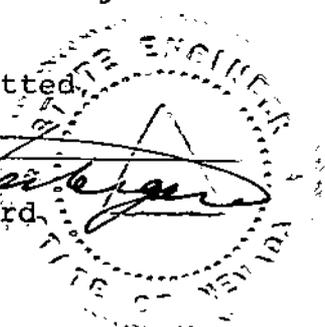
1. The duty of water is limited to 3.0 acre feet per acre per year of land irrigated from all sources.
2. The place of use under Permits 28476 through 28479 and 28481 through 28484, inclusive, is limited to a total of 1,280 acres on the following lands:

W $\frac{1}{2}$  E $\frac{1}{2}$ , E $\frac{1}{2}$  W $\frac{1}{2}$ , Section 2; W $\frac{1}{2}$  E $\frac{1}{2}$ , E $\frac{1}{2}$  W $\frac{1}{2}$ , Section 12; W $\frac{1}{2}$  Section 13 and E $\frac{1}{2}$  Section 14, all in T.32N., R.35E., M.D.M.

Applications 28473, 28474, 28475 and 28480 are hereby denied on the grounds that the granting of additional rights within this area of concentration would be detrimental to the orderly development of the ground water basin and tend to impair the value of existing water rights.

Respectfully submitted,

  
Roland D. Westergard,  
State Engineer



RDW/WJN/bs

Dated this 26th day  
of November, 1975.