

IN THE MATTER OF APPLICATIONS TO CHANGE)  
POINTS OF DIVERSION AND PLACE OF USE, )  
31290 - 31303, INCLUSIVE IN DESERT VAL- )  
LEY, HUMBOLDT COUNTY, NEVADA. )

R U L I N G

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Applications 31290 - 31303 inclusive were filed on April 7, 1977 by Southern Pacific Land Company to change the points of diversion and places of use of water heretofore appropriated under Permits 29014 - 29023 inclusive and 29028 - 29031, inclusive.

The applications were protested on June 16, 1977 by DeLong Ranches, Inc. on the following grounds:

"That Protestant has five (5) wells in the Desert Valley Basin, three of which are in the immediate area West of the proposed place of use and change of point of diversion, as set forth in the above application. That the granting of the application for changing the point of diversion and use would adversely affect the ground water table supplying the three existing wells and would interfere with the amount of water produced. That the priority of the existing three wells, belonging to the Protestant, are prior to 1970.

The map submitted to accompany Applications 29014 - 29035, inclusive was prepared by J. R. Caldwell, a licensed state water right surveyor, from field notes from a survey made between December 6 and December 31, 1974. This map show that the only found corner was the SW corner of Section 32, T.36N., R.34E., M.D.B.&M. The corner is identified as being "Found 2" x 2" Notched Redwood Post."

The wells were drilled and the land cultivated within the terms and conditions of Permits 29014 - 29023, inclusive and 29028 - 29031, inclusive.

After the lands were developed, the U. S. Department of Interior, General Land Office, Cadastral Engineer, caused a Dependent Resurvey of the area to be made.

When the developed lands were surveyed in accordance with the Dependent Resurvey, the legal descriptions cited in Permits 29014 - 29023, inclusive and 29028 - 29031, inclusive were no longer accurate, hence the applicant made Applications 31290 - 31303 to correct the legal descriptions.

OPINION

It is our opinion that the granting of Applications 31290 - 31303 inclusive will not tend to impair the value of existing rights or be otherwise detrimental to the public welfare.

RULING

The protests to the granting of Applications 31290 - 31303 are hereby overruled on the grounds that their granting will not tend to impair existing rights or be otherwise detrimental to the public welfare.

Respectfully submitted,

  
Roland D. Westergard  
State Engineer

RDW/TJS/bl

Dated this 23rd day  
of January, 1978.