

IN THE MATTER OF APPLICATION NO. 18965, FILED ON JUNE 27, 1960, BY OPAL TARRANT TO APPROPRIATE 5.4 C.F.S. OF THE WATERS OF AN UNDERGROUND SOURCE FOR IRRIGATION AND DOMESTIC PURPOSES IN LANDER COUNTY, NEVADA. }

R U L I N G

General:

Application No. 18965 was filed in support of Desert Land Entry No. Nevada-046504. The proposed point of diversion is located within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 23, T. 25 N., R. 42 E., M.D. B. & M., at a point 200 feet distant from the proposed point of diversion under Application No. 18336, filed by Robert L. Hodges to appropriate 8.0 c.f.s. for irrigation and domestic purposes.

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Opinion:

It is the opinion of this office that the proposed well under Application No. 18965 will interfere with the proposed well under Application No. 18336. Application No. 18336 was filed on September 21, 1959, and has priority of appropriation over Application No. 18965.

RULING

Application No. 18965 is herewith denied on grounds that it will impair the value of existing rights and will be detrimental to the public welfare.

Respectfully submitted,

Edmund A. Muth
EDMUND A. MUTH
State Engineer

Dated this 18th day of November, 1960.



Action Rescinding Ruling No. 408

Ruling No. 408 denied the granting of Application 18965 on the grounds that its granting would impair the value of existing rights and be detrimental to the public welfare.

The basis of the Ruling was that the proposed location of the well under Application 18965 was within 200 feet of the proposed location of the well under prior Application 18336.

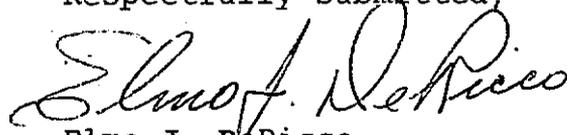
The Ruling was issued without prior notification to the applicant under Application 18935.

The applicant under Application 18336 agreed to move the location of his well westerly approximately 500 feet, and the applicant under Application 18965 agreed to move the location of her well easterly approximately 550 feet; hence, the locations agreed upon are 1,292 feet apart. The Office of the State Engineer was agreeable to the new proposed locations providing a written agreement was submitted to this office.

On July 11, 1963, Robert L. Hodges, applicant under Application 18336, and Opal Tarrant, applicant under Application 18965, submitted to the Office of the State Engineer an agreement whereby both applicants found no objection to the proposed locations of the wells on each others adjoining property.

Ruling No. 408 issued under Application 18965 is hereby rescinded and a permit will be granted upon receipt of the statutory permit fee.

Respectfully submitted,



Elmo J. DeRicco
State Engineer

January 31, 1964