

IN THE MATTER OF APPLICATION NO. 13179
FILED BY JOHN RODGERS TO APPROPRIATE
UNDERGROUND WATER FOR MINING AND DOMESTIC
PURPOSES, NYE COUNTY, NEVADA.

RULING

Application No. 13179 was filed November 30, 1949 by John Rodgers to appropriate 0.85 c.f.s. of underground water from Pioneer Well No. 1 for mining and domestic purposes. The proposed point of diversion is within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 29, T. 8 N., R. 44 E.

On March 13, 1950 a protest was filed to the granting of a permit under this application by the Manhattan Community Water Committee. The provisions set forth in said protest were briefly as follows:

"That the granting of a permit will be against the best public interests and create damage and hardship to the present residents, and will materially damage and invade the prior rights of the citizens of Manhattan to available water in the district for use by the residents of Manhattan."

On April 13, 1950 a field investigation was made by representatives of the Office of State Engineer. Present were a number of the residents of Manhattan representing the Manhattan Community Water Committee; applicant John Rodgers; Alfred Merritt Smith, State Engineer; Hugh A. Shamberger, Assistant State Engineer and Elmo DeRicco, Field Engineer.

Our findings indicate that in about 1945 John Rodgers purchased the local water system and furnished water to the town of Manhattan until he was granted a discontinuance of service by the Public Service Commission in the fall of 1949. That the well covered under Application No. 13179 was used to furnish water for the town from 1937 to 1940.

We were informed that the well filed for under Application No. 13179 was 81 feet deep, with the water standing at 38 feet from the surface. Mr. Rodgers stated that the well could furnish 30,000 gallons per day.

Another well owned by Mr. Rodgers is located about 500 feet northerly and is 61 feet in depth. Apparently it is not the intention of Mr. Rodgers to make any use of this well, at least at present. This well, according to Mr. Rodgers, will develop about 3500 gallons per day.

We were informed that in 1949 the community sunk a well 65 feet deep in the upper part of town but that it does not furnish enough water.

Apparently the people of Manhattan are apprehensive that should a permit be granted Mr. Rodgers under Application No. 13179, there will not be enough water left in that particular canyon for the town people when they get ready to develop same.

It appears to us that it is quite unlikely that the pumping of water from the well under Application No. 13179 would interfere with the water that could be obtained from the lower well or from some other well that may be drilled in this canyon, providing, of course, such well was not placed too close to Mr. Rodgers' well.

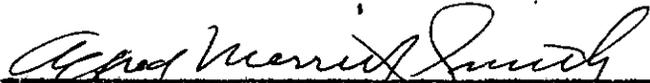
We appreciate the position that the people of Manhattan are now facing, that is, a definite lack of water. However, we do feel that additional water can be developed in this area; at least enough to satisfy the needs of the town of Manhattan. It is felt that the town of Manhattan should consider the purchase of the lower well owned by Mr. Rodgers, together with as much of the existing water system as is necessary or that can be used.

It is our opinion that we have no justifiable course other than to deny the protest and grant a permit under Application No. 13179.

R U L I N G

It is therefore ordered that the protest to the granting of a permit under Application No. 13179 be overruled and that a permit be issued, following receipt of the statutory permit fee, in the amount of 0.85 c.f.s. and not to exceed a daily use of 30,000 gallons.

Respectfully submitted,


ALFRED MERRITT SMITH, State Engineer

June 12, 1950