

IN THE MATTER OF APPLICATION 21561
FILED BY EDWIN C. BISHOP TO CHANGE
THE POINT OF DIVERSION AND PLACE OF
USE OF WATER HERETOFORE APPROPRIATED
UNDER PERMIT 20376

RULING

General:

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Mr. Bishop filed Application 19218 on September 24, 1960 for a well in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 21, T. 20 N., R. 53 E., for irrigation and domestic purposes. The place of use under this application is the W $\frac{1}{2}$ of said Sec. 21.

Upon entering the land, Mr. Bishop found a gravel pit in Lot 11 of the W $\frac{1}{2}$ of said Sec. 21. He therein applied to the Bureau of Land Management to amend his Desert Land Entry, deleting Lot 11 of the W $\frac{1}{2}$ and include Lot 15 of the E $\frac{1}{2}$ of said Sec. 21. Mr. Bishop then filed Application 20376 for a well in the same location as described under Application 21561 with the place of use being the W $\frac{1}{2}$, excepting Lot 11, and including Lot 15 of the E $\frac{1}{2}$. Because of the location of the gravel pit, irrigation of all of the land from the one well does not lend itself to good husbandry. Mr. Bishop, therefore, filed Application 21561 to change the point of diversion and place of use of water heretofore appropriated under Permit 20376. The land to be irrigated is the same as under Application 20376 but the point of diversion is being moved from the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 21, to the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 21.

An investigation in the matter of the well covered by the two permits, 19218 and 20376, was made on February 17, 1964. A measurement taken on the production of the well showed that it was producing 1,990 g.p.m.

A Protest to the Granting of Application 21561 was filed on December 13, 1963 by the Ruby Hill Mining Company on the grounds that the land embraces a portion of the right of way granted to the protestant by the United States Bureau of Land Management, Serial No. Nev. 056230. Mr. Bishop's land entry was issued subject to the right of way granted to the Ruby Hill Mining Company, under Serial No. Nev. 056230.

Opinion:

Since Mr. Bishop's land entry was allowed subject to the right of way of the Ruby Hill Mining Company, it is felt that the Ruby Hill Mining Company is amply protected.

RULING

The alternative in the protest of the Ruby Hill Mining Company is herewith sustained and a permit will be

issued subject to the right of way grant of the Ruby Hill Mining Company, subject to existing rights and the following provisions:

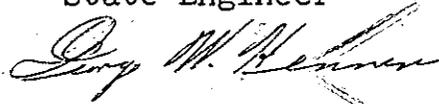
(1) The amount of water granted under 21561 shall be limited to 2.22 c.f.s.

(2) That it be understood that the total amount of water to be diverted from the well drilled under Permit 19218 and 20376 is limited to 2.22 c.f.s.

(3) That the value of Permit 20376 is limited to the use on Lot 15 of the E $\frac{1}{2}$ of Sec. 21 only.

Respectfully submitted,

ELMO J. DeRICCO
State Engineer



By: George W. Hennen
Assistant State Engineer

Dated this 23rd day of
September, 1964

GWH:TJS