

IN THE MATTER OF APPLICATION)
26777 FILED BY RALPH M. TUCKER)
TO APPROPRIATE THE WATERS OF)
AN UNDERGROUND SOURCE IN)
WASHOE COUNTY, NEVADA)

R U L I N G

GENERAL:

Application 26777 was filed June 15, 1972 to appropriate 3.0 c.f.s. of water from an underground source located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 6, T.20N., R.21E., M.D.B. & M. The application was filed to appropriate water for irrigation and domestic purposes appurtenant to 255 acres within Lots 2, 3, 4, 5 and 6, SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 6, T.20N., R.21E.

This application was protested on August 28, 1972 by Roxy Wingfield. The protestant prays that the application be denied on the grounds:

"1. Protestant's lands consist of 564 acres in Sections 1 and 12, Township 20 North, Range 20 East, M.D.B. & M., and receives the supply of water for domestic and agricultural purposes from the Orr Ditch and from wells perfected by use of long standing and other wells perfected of Appropriation No. 02527 and Certificate Right No. 7148. Situate on the lands are several ponds of long standing which are the natural resting and nesting place of wild and migratory wild fowl, the said ponds likewise are used for storage purposes and their level is maintained by water from the Orr Ditch and also by natural springs thereunder.

"Except as otherwise noted, the above lands of Protestant are devoted to meadow-type grazing grass, deep-rooted and of a high transpiration nature. The sub-surface of Protestant's lands is porous, very permeable and the cone of depression which would result from the pumping proposed by the application No. 26777 filed by Ralph Tucker would extend under the lands of Protestant and would interfere and reduce the vested water rights to which Protestant is entitled, including but not limited to lowering the water table under Protestant's lands, greatly reducing the production of natural grass, lowering the water level of the ponds and wells, interfering with the water used for household purposes and reducing the amount of water to which Protestant is entitled under her vested rights in the Orr Ditch, all to the irreparable injury of Protestant."

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A field investigation was conducted on December 11, 1972. On December 19, 1972 a further meeting was held in the office of the State Engineer with the applicant and protestant and/or their attorneys in attendance. On June 25, 1975, another meeting was held in the office of the State Engineer together with the attorneys representing the protestant and Mr. Tucker, the applicant.

OPINION:

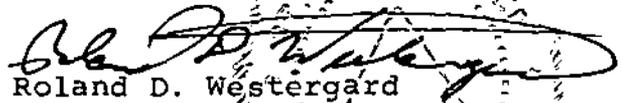
Information indicates that existing rights will not be adversely affected.

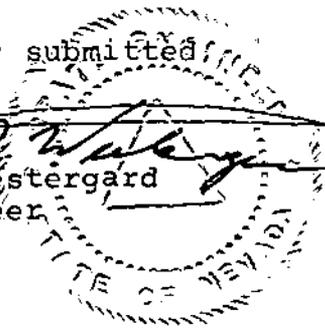
RULING:

The protest to the granting of a permit under Application 26777 is herewith overruled and a permit will be issued upon payment of the statutory permit fees subject to existing rights and further subject to the following provisions:

A totalizing meter must be installed before any use of water begins or before the Proof of Completion of work is filed. This permit is supplemental to Permits 26775 and 26776 and the total duty of water from and and/or all sources shall not exceed 4.0 acre-feet per acre per annum.

Respectfully submitted


Roland D. Westergard
State Engineer



RDW/DLW/bs

Dated this 26th
day of June, 1975.