

IN THE MATTER OF APPLICATIONS NOS.)
11951, 12259, 12260 and 12261 IN NAME)
OF AUGUST BUNKOWSKI TO APPROPRIATE WATER ;
FROM BUNKOWSKI DRAINAGE CANAL, LYON)
COUNTY, NEVADA.)

RULING

Application No. 11951 was filed August 6, 1947 by August Bunkowski to appropriate 3.2 c.f.s. of water from the Bunkowski Drainage Canal for the irrigation of 320 acres of land. The proposed point of diversion is to be at a point within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 11, T. 11 N., R. 23 E., M.D.M. On September 16, 1947 this application, together with certain lands, were assigned to Henrietta Bunkowski, wife of Applicant August Bunkowski.

Applications Nos. 12259, 12260 and 12261 were filed by August Bunkowski on February 13, 1948 to appropriate water from Bunkowski Drainage Canal. Application No. 12259 is to appropriate 2.00 c.f.s. from a point within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 14, T. 11 N., R. 23 E. for the irrigation of 200 acres of land within the NE $\frac{1}{4}$ NW $\frac{1}{4}$; NE $\frac{1}{4}$ and N $\frac{1}{2}$ SE $\frac{1}{4}$ said Section 14. Application No. 12260 is in the amount of 2.00 c.f.s., the proposed point of diversion being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 11, for the irrigation of 200 acres of land within the S $\frac{1}{2}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ Section 11 and N $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 14, T. 11 N., R. 23 E. Application No. 12261 is to appropriate 0.20 c.f.s. at a point within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 14, T. 11 N., R. 23 E. for the irrigation of 20 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 14. The proposed point of use under all four applications is from March 1 to September 30th of each year.

Protests to the granting of permits under these applications were filed May 14, 1948 by the Walker River Irrigation District. In brief, the protests are based upon the following allegations.

1. That the source applied for is not public water subject to appropriation:
2. That the Walker River Irrigation District in behalf of Local Improvement District No. 1 has from time to time constructed drains and appropriated the same for district purposes:
3. That said waters ultimately become a part of the water supply of said district after leaving said drains:
4. That said drainage is a natural result from irrigation within the district boundaries and ultimately becomes a part of the district supply:

5. That said waters are private waters developed in private drain channels - - - and to grant said application would impair the existing, vested, private rights of protestant and destroy the plans for drainage and irrigation of District lands.

On January 13th and 18th, 1949, this matter came up for hearing before the State Engineer at Carson City, Nevada. Appearances were as follows:

- For the State Engineer - Hugh A. Shamberger, Asst. State Engineer
- Edmund Muth, Special Deputy.
- For the Applicant - Mr. John Ross, Attorney at Law, Carson City, Nevada.
- For the Protestant - Mr. Wm M. Kearney, Attorney at Law, Reno, Nevada.

There was also heard at the hearing the matter of Application No. 11940 in name of August Bunkowski to appropriate drainage water from "Blackwell Drainage Canal". The water applied for under this application is in a different drainage area and will be the subject of a subsequent ruling.

On August 4, 1948 the matter of Application No. 11918 in name of C. C. Ferrin was heard. In this case the Local Improvement District No. 1 was, among others, a protestant. The hearing brought out certain data applicable to the present matter and therefore will be considered.

Following the hearing on Applications Nos. 11940, 11451, 12259, 12260 and 12261, extensive briefs were filed by respective counsel. These briefs, together with the transcript of the hearings are of record in this office.

GENERAL HISTORY OF DRAINAGE WORKS:

In about 1890 the Colony Canal was started by Frank Simpson. This canal was constructed for the purpose of conveying waters of the West Walker River to irrigate lands owned by Frank Simpson along the westerly side of Smith Valley. The point of diversion on the Walker River was in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 10, T. 10 N., R. 23 E. and the canal extended in a general northerly direction for a distance of about eight or nine miles along the westerly edge of Smith Valley. On May 14, 1910 Mr. Simpson formed a company known as the

"Simpson's Colony Reclamation Canal Company" with capital stock of \$300,000 divided into 15,000 shares of the par value of \$20.00 each. Each share of stock entitled the owner thereof a carrying capacity in the main canal of the company to the extent of eight-tenths of an inch, statutory measurement, of water theretofore appropriated from the Walker River for certain specified lands.

Thus, in order for a land owner having a water right from the Walker River through the Colony Canal to obtain his water, he would have to own a share of stock in the Simpson Colony Reclamation Canal Company for each acre irrigated which would entitle him to a maximum of eight-tenths of a miners inch of water per acre. Some colonists homesteaded land in this vicinity and were able to purchase stock in the company in order to get water to their lands. In most cases these homesteaders filed applications to appropriate water from the Walker River to be conveyed through the Colony Ditch.

As an incident to the irrigation of lands under the Colony Canal, it became apparent in 1922 that a drainage system be designed and constructed. A report dated June 25, 1923 by E. W. King, Assistant Engineer, Walker River Irrigation District, addressed to J. A. Beemer, Chief Engineer, Walker River Irrigation District, described the necessity of drainage works and details the work so far done by the Canal Company in constructing drains and the proposed plans for completion of such works. This report is contained in the transcript of the Perrin hearing and marked Protestant's Exhibit "B".

According to the "King Report" the stockholders of the Canal Company, on November 1922, authorized the Board of Directors to borrow the necessary funds with which to start work on a drainage system. Apparently this was done, for work was started almost immediately on four separate units known as the Beeman Lakes, Long, Connell and Jessen units. The Beeman Lakes unit was in the southern portion of the valley where the drainage was southerly towards the Walker River. The Long, Connell and Jessen units were located in the northern portion of the area where the drainage is northerly towards and into Alkali Flat Lake. The Long unit was the most easterly and the Connell unit the most westerly with the Jessen unit lying in between. A ridge running easterly and westerly through about the center of Section 2, T. 11 N., R. 23 E. constitutes the drainage divide. In this ruling we are only concerned with the Beeman Lake area.

As described by the King report the natural topography of the lands within the contemplated district was such that, while a large portion of the lands were being irrigated, the waste water from irrigation had no outlet, either back to the river from which they were diverted or to any other channel. That the result of this condition was that the locally called "Beeman Lakes" have been formed and over 700 acres of land had already become submerged and

this area was increasing very rapidly. That a portion of the area was submerged to a depth of over twelve feet and there was then approximately 4000 acre-feet of water in the lakes and that the flow into the lakes during the irrigation season was from 25 to 30 second feet of water.

In describing the work that had already been done on the Beeman Lakes drainage and what the complete plan consisted of, Mr. King stated the first work would be the construction of a canal 7250 feet long and varying from four to twelve feet in depth and which will cut itself down to a depth of eighteen to twenty feet as may be required to properly drain the lakes. That when completed, this canal will drain all of the waste and storm water from this particular area back to the West Walker River. Mr. King further stated that work was commenced in November 1922 and that a portion of the canal was sluiced out, which removed some 8200 yards of material over a distance of 2150 feet, and that there still remained about 850 yards of material to be removed to complete this entire unit. That work was started on the upper end of the canal about January 1, 1923 and a distance of 2,460 (?) feet was excavated, removing 9670 cubic yards.

Mr. King stated that to date (June 25, 1923) the sum of \$1877.70 has been expended on this unit and that an additional sum of approximately \$1000 will have to be expended to complete all excavation, drops, etc. and \$300 to connect with spillway to be put in the Colony Canal for regulating flow of waste water.

Subsequently, and pursuant to the "Nevada Irrigation District Act" Local Improvement District No. 1 of the Walker River Irrigation District was formed and on September 4, 1923 the State Irrigation District Bond Commission approved the formation of the Local Improvement District No. 1, and granted authority to issue \$10,000 worth of bonds. On May 13, 1924 Local Improvement District No. 1, through the Walker River Irrigation District, paid the Simpson Colony Reclamation Canal Company the sum of \$7000 as purchase price of the drainage system. Whether this was the total purchase price or not, is not clear; nevertheless the Improvement District became owner of the drainage works within the confines of the Improvement District.

A map prepared by E. W. King and filed as Protestant's Exhibit "P" in the Perrin hearing, shows the boundaries of the Improvement District and the various main drain canals.

DRAINAGE WORKS AND PRESENT CONDITIONS:

From the testimony offered it appears that the work done in 1922 and 1923 as a result of the "King Report" consisted of a drain running in a northerly and southerly direction, starting at what was then the highwater line of the lake and which point of beginning

can be described as being about the center of the SW $\frac{1}{4}$ Section 14, T. 11 N., R. 23 E. and identified by the numeral "4" on Applicant's Exhibit A. From this point the drain ran southerly crossing under a east-west road at about the S.E. corner of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 14 (marked "6" on applicant's Exhibit A) and there continuing for some distance to the West Walker river plain. It appears that southerly from a point midway of the easterly boundary of the said SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 14, (marked 5 on Applicant's Exhibit A) the construction work was done by sluicing and northerly of this point the work was done entirely by drag line. At the time this work was done (1922-1923) the entire submerged area was under one lake and was probably the period of highest water in the lakes.

From the King report, it is evident that he thought water running from the lakes through the drain would sluice out the ditch which eventually would be deep enough to drain the lakes. Testimony given indicates that from point "5" to point "4" (applicant's Exhibit A) the slope of the constructed ditch was northward towards the lakes. It is quite possible that at the time this portion of the drain was completed the water was high enough in the lake to overcome the adverse grade; however, no testimony was offered to the effect that water ever drained from the lake southward through this drain.

Sometime after the construction of the drain referred to above, the so-called High Drain Ditch or High Levee ditch was constructed and also the northerly drain into the lakes. The High Line Drain started about midway between the easterly boundary of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 14 (marked "5" on applicant's Exhibit A) and extended in a northwesterly direction to the southwesterly portion of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 15, T. 11 N., R. 23 E.; thence in a northeasterly direction to about the southerly line of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 11. Blackwell testified that this work was done about in 1925 and Bunkowski named a later date. The purpose of this drain, according to the testimony of Blackwell, was dual in purpose, namely the collection of drain and waste water from the irrigated fields in the west and north and for irrigation purposes. This drain picks up drain and waste water that otherwise would reach the lakes.

It was indicated in the testimony that initially when the water in this drain reached the original north-south drain at point 5 (Applicant's Exhibit A) the water, or at least some of it, ran northerly into the lakes and Bunkowski testified that he was hired by the District to dam off this flow to the lakes.

Another drain ditch was constructed which conveyed drainage water southerly into the upper lake. This drain ditch starts in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 2, T. 11 N., R. 23 E. and runs about three quarters of a mile in a southerly direction, passing under an easterly-westerly branch of the Colony Canal at about the SW corner of the

NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 11 of said township and range. The upper terminus of this drain lies about one-quarter of a mile south of the ridge dividing the Alkali Flat drainage and the Beeman Lake Drainage.

Subsequently, according to Bunkowski's testimony, he constructed channels which would enable the water in the upper and middle lake to drain to the lower lake. This work apparently was done between 1930 and 1935. In 1941 and 1945 the Applicant purchased the following lands from the Walker River Irrigation District:

S $\frac{1}{2}$ SE $\frac{1}{4}$; Frac. N $\frac{1}{2}$ SE $\frac{1}{4}$ Section 11;
SE $\frac{1}{4}$ Section 14; NW $\frac{1}{4}$ NE $\frac{1}{4}$; Section 23;
T. 11 N., R. 23 E., containing 340 acres
more or less; the
SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 14, T. 11 N., R. 23 E.
containing 40 acres; and
6.3 acres in the N $\frac{1}{2}$ N $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$,
East 33.33 acres of SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 11,
T. 11 N., R. 23 E., containing 41.63 acres.
(See Protestant's Exhibits C & D.)

This land was deeded with certain reservations which reserved all water and water rights, right to construct irrigation and drainage ditches, etc., together with the right of ingress and egress.

It is the applicant's desire, in making these applications, to irrigate some of this 421.6 acres of land purchased from the district and also to supplement the storage and decreed rights on certain other lands.

No further major drainage construction was done until 1947 when Mr. Bunkowski, at his own expense, constructed a large drain from the lower end of the Lower Lake southerly to where the drain water would flow to the West Walker River. This cut lies about 1/2 mile easterly from the cut put in by the Colony Canal Company pursuant to the King report. In constructing this cut, Bunkowski excavated about 50,000 cubic yards of material and in places the cut is twenty or more feet deep with 1:1 side slopes. Also, at the same time, Bunkowski did certain drag line work directly below the Middle Lake. By virtue of this work, the elevation of the lakes can be controlled. This work was preceded by certain correspondence between the applicant and the Walker River Irrigation District which has been placed in the testimony under Applicant's Exhibits "B" and "C". Exhibit "B" is a letter from Bunkowski to the District requesting that certain work be done in draining the lakes in order to protect his lands and stating that if the District didn't do it that he would have to at his own expense. Exhibit "C" is the answering letter from the District wherein Mr. Bunkowski is advised that the District, at that time, was unable to undertake any new construction. Subsequently, and as heretofore outlined, Mr. Bunkowski performed the work himself.

SUMMATION OF PERTINENT DATA:

A careful reading of the transcript of the testimony presented, together with observations made on several field trips to the area involved, brought before us certain important conclusions as far as the physical features are concerned. These conclusions are herewith stated:

1. It appears conclusive to us that the presence of the Beeman Lakes is a direct result of irrigation. When this area was surveyed by the General Land Office in about 1881 no mention is made of any standing water. It is probably true that since the lake areas are in the low places, at times due to heavy precipitation, there would result certain surface water ponds, but primarily these lakes are the result of irrigation.

2. The "King" Report stated that at that time (1923) there was 700 acres under water and that the inflow during the irrigation season was about 25 c.f.s. Further, that following completion of the proposed works, some 600 acres would be drained. This would seem to suggest that the lake area was not intended to be completely drained. The map offered by applicant as Exhibit "A" shows the present boundaries of these lakes, together with the original highwater line. The acreage in the three lakes, as they existed December 1947 according to this map, is as follows:

Upper Lake	-	35 acres
Middle Lake	-	18 "
Lower Lake	-	17 "
Total	-	<u>70 acres</u>

Mr. Bunkowski testified that following the construction of the large drainage canal in 1947, he lowered the level of the lakes several feet. This water, which was diverted to the West Walker River, benefited the District.

3. No testimony was offered which indicated that any of the waters of Beeman Lake or Lakes ever drained through the surface drain constructed in 1922 and 1923 to the West Walker River. In fact, it appears that 1947 was the first year any of the water from the lakes drained through a surface canal to the River and this was the result of the work by Applicant Bunkowski.

4. During 1922 and 1923, when the "King" report was prepared, the High Drain Ditch had not as yet been constructed. Topaz Lake had been recently completed and there appeared to be a surplus of water with the result that more water was diverted into the Colony Canal than was needed. The High Line Canal had as one of its main purposes to collect surface drain water from the irrigated fields; also, the

Colony Canal water that was by-passed. It therefore seems natural that as a result of the High Line Canal a great deal of water has been prevented from draining into the lakes. With the lakes having no surface outlet, the only loss of water from the lakes would occur by evaporation from the water surface; evapo-transpiration from the adjacent areas around the lakes where there is a high water table, and by percolation.

It would be our surmise that the losses from the lake areas were not equal to the amount of water draining in during years when there is a sufficient irrigation supply, with the result that during such years there is a gradual rise of the water surface and the inundation of more land.

The amount of water in the lakes is reflected by the amount of water used for irrigation and this in turn is reflected by the Topaz Lake storage and the flow of the West Walker River. In periods of deficient water, the losses from the lakes would no doubt be in excess of the inflow with the result that the volume of water in the lakes and the lake areas would be decreased. In years of high water, the reverse would be true. Thus, over these many years, the lake areas have fluctuated, but at no time has the water surface been high enough to drain out. The contour of the land appurtenant to the lakes is such that with a little elevation of the water it would spread out over wide areas, this increasing the loss due to evaporation, as such loss is in direct proportion to the area of the water surface.

5. The point has been mentioned that the waters of Beeman Lakes drained into the West Walker River by seepage. There is little question but that there is a certain amount of seepage from the lakes. Where such seepage would go is questionable. The seepage could be to the northward towards Alkali Flat Lake, although it appears more probable for the seepage to percolate southerly or southeasterly towards Walker River. The only way such determination could definitely be made would be by drilling test holes and determine the direction of flow.

An indication of the amount of seepage from the Beeman Lakes is indicated by the work of the U. S. Geological Survey, Ground-Water Division. On November 11, 1949 inflows and outflows from the three lakes were measured. At this time of year there is no transpiration losses and the evaporation losses are at a minimum (about 0.04" per day). The seepage from the upper and lower lakes were determined with reasonable accuracy, but due to unmeasurable inflows into the middle lake no determination of seepage could be made. The seepage losses from the upper and lower lakes was found to be about 314 g.p.m. It is reasonable to assume that with the middle lake the seepage would be about 1 c.f.s. or 450 g.p.m. This seepage, if the percolation is towards the Walker River, would have little effect on the West Walker River as it would be mainly consumed by heavy plant growth use which covers a large area on the westerly side of the Walker River. It is our opinion that seepage of water from the Beeman Lakes to the Walker

River proper is not measurable and would have no effect on the river flow.

THE ISSUES:

The issues before us are plain. Briefly delineated, they are:

1. Are the waters applied for public waters and subject to appropriation?
2. Do the waters in Beeman Lakes ultimately become a part of the district supply?
3. Would the granting of permits be detrimental to existing rights and/or public interests?

In considering the first issue named above, we are of the opinion that the waters applied for are subject to appropriation under the laws of the State. The waters in the Beeman Lakes are made up of seepage water from the irrigated fields, overflow water from the Colony Canal system, ground-water from the watershed and precipitation. It could well be said that the seepage water originally carried by the Colony Canal, and which has percolated downward to the zone of saturation (ground-water table) becomes ground-water and as such is subject to the Ground-Water Law of 1939. (7993.10 N.C.L. Supp. 1931-1941) as amended. Section 1 of this act is as follows:

"Section 1. All underground waters within the boundaries of the state belong to the public, and subject to all existing rights of the use thereof, are subject to appropriation for beneficial use only under the laws of the state relating to the appropriation and use of water and not otherwise, therefore it is the intention of the legislature, by this act, to prevent the waste of underground waters and pollution and contamination thereof and provide for the administration of the provisions hereof by the state engineer, who is hereby empowered to make such rules and regulations within the terms of this act as may be necessary for the proper execution of the provisions of this act."

Section 1 of the General Water Law (7890 N.C.L. 1929) reads as follows:

"The water of all sources of water supply within the boundaries of the state, whether above or beneath the surface of the ground, belong to the public."

Section 2 of the same act reads:

"Subject to existing rights, all such water may be appropriated for beneficial use as provided in this act and not otherwise."

Section 63 of the General Water Law (7948 N.C.L. 1929) sets up the criteria by which the State Engineer must be guided in approving an application to appropriate water. This section reads in part as follows:

"Section 63. It shall be the duty of the State Engineer to approve all applications made in proper form - - - - - which contemplate the application of water to beneficial use, and where the proposed use or change does not tend to impair the value of existing rights, or be otherwise detrimental to the public welfare - - - - -".

Protestant Walker River Irrigation District claims that the waters in the Beeman Lakes are drainage waters and as such are not subject to appropriation and in support of such contention relies primarily on three Nevada cases, namely

Cardelli v. Comstock Tunnel Co., 26 Nev. 284

Gallio v. Ryan, 52 Nev. 330, and

In Re. Bassett Creek, 62 Nev. 456.

We are of the opinion that these cases do not control in this proceeding. The Cardelli v. Comstock Tunnel Company was decided in 1901, four years prior to a state water law proceeding a method to appropriate water.

The situation here as between the Gallio v. Ryan and In Re Bassett Creek Case is entirely different. In the present case, the waters applied for are made up mainly of seepage water from irrigated lands and overflow water from Colony Canal. The seepage water comes from many farms (the applicant's included) and by virtue of the slope of the country eventually reaches the Beeman Lakes which no doubt could be considered as a watercourse. In each of the two cases cited above the controversy is between two individuals and involves the use of waste water as it percolates or flows off of an adjoining field in no defined channel.

The second issue has already been answered. It is possible that about one c.f.s. of the waters of the Beeman Lakes percolates towards the Walker River but as it oozes into the river plain along several miles, it no doubt is consumed by the vegetative growth and little, if any, reaches the river. Up until the time Bunkowski constructed the cut from the lower lake to the Walker River plain it can

definitely be said that since at least 1924 no water reached the river by surface flow.

In answering the third issue - that is, would the granting of permits be detrimental to existing rights and/or public welfare, we must answer in the negative. On the contrary the granting of permits would bring about the utilization of waters heretofore bared from beneficial use. Over the past twenty-four or more years thousands of acre-feet of water have been lost from beneficial use by evaporation and transpiration from the Beeman Lakes. In an arid state such as Nevada it is important to the welfare of the State that where possible, and when it can be done without interfering with existing rights, the highest beneficial use of water should be made.

OPINION:

1. That the waters applied for under Application Nos. 11951, 12259, 12260 and 12261 are made up of seepage water from lands irrigated with water from the Colony Canal and conveyed through drainage works of Local Improvement District No. 1; from live water from the Colony Canal system and from ground-water.

2. That such waters are in watercourses and are subject to appropriation, providing that no existing rights are interfered with, and further that the purpose of the drainage works is not affected.

3. That the applicant, August Bunkowski, at his own expense constructed a cut through which the waters in Beeman Lakes can be diverted to the Walker River. The purpose of said cut was to lower the levels of the lakes, thus making more land available for pasture. That this work will benefit the Walker River Irrigation District as water heretofore dammed off will be, to some extent, be made available to the water users of the Walker River.

4. That the granting of permits can in no way be considered detrimental to the protestant, and that the established water rights of protestant are not molosted.

5. Regarding the fear of the protestant that the granting of permits for drainage water which may be returned to the Walker River and thereafter be used by downstream appropriators, it should be remembered that each case must be considered on its merits, and in this case, if it could be shown that the waters in Beeman Lakes reach the river in measureable quantities, we would naturally have to deny such applications.

6. That the purpose of the Bunkowski applications is to supplement certain water rights already owned, as well as to irrigate new lands. In other words, to place the water to beneficial use.

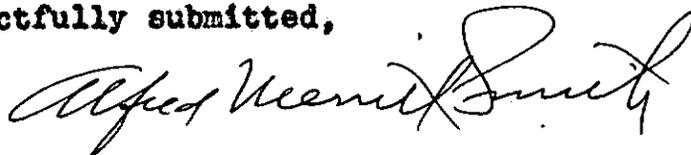
7. The supporting map indicates that water is to be appurtenant to 600 acres of land in the SE $\frac{1}{4}$ Sec. 2; E $\frac{1}{2}$ Section 11; N $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ and N $\frac{1}{2}$ SE $\frac{1}{4}$ Section 14, T. 11 N., R. 23 E. Information from the Walker River Irrigation District indicates that Bunkowski has a full storage right for the SE $\frac{1}{4}$ Section 2 which allows him 329.48 acre-feet, together with a 1910 priority of 0.6384 c.f.s. In addition, he has a straight storage right on 497.11 acres in Sections 11 and 14 which allows 1023.65 acre-feet.

RULING:

The protests of the Walker River Irrigation District to the granting of permits under Applications Nos. 11951, 12259, 12260 and 12261 are herewith overruled and permits will be granted, following receipt of the statutory permit fees, subject to certain provisions to be described in said permits which include the following:

1. The permits shall be subject to all existing rights.
2. The total duty of water per acre of land irrigated.
3. The appropriations are predicated on the presence of available water at the point of diversion and will not obligate the Walker River Irrigation District or Improvement District in any way as to the continuance of such flow of water.
4. The permits do not carry any right-of-way privileges, and further, that the purpose of the Walker River Irrigation District drainage works shall not be interfered with.

Respectfully submitted,



ALFRED MERRITT SMITH
State Engineer

Dated this 3rd day of April, 1950.