

IN THE MATTER OF APPLICATIONS 21964 }
AND 21965 FILED TO APPROPRIATE GROUND }
WATER IN RAILROAD VALLEY, NYE COUNTY, }
NEVADA. }

R U L I N G

GENERAL:

Application 21964 and 21965 were filed on April 22, 1964 by William H. Casey.

1338. Application 21964 was filed to appropriate 1.7 c.f.s. of water from an underground source for irrigation and domestic purposes. The point of diversion shown on the application is within the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 23, T. 6N., R. 56E., M.D.B.&M. and the place of use is in the S $\frac{1}{2}$ of the NW $\frac{1}{4}$ of said Section 23 (80 acres).

) Application 21965 was filed to appropriate 2.7 c.f.s. of water from an underground source for irrigation and domestic purposes. The point of diversion shown on the application is within the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 23, T. 6N., R. 56E., M.D.B.&M. and the place of use is the S $\frac{1}{2}$ of the N $\frac{1}{2}$ of said Section 23 (160 acres).

A protest to the granting of Application 21964 was filed on September 16, 1964 by Mrs. Miriam Taylor who protests, "...it will be detrimental to the making of a good place of my desert land where I want to make a well."

Protests to both applications were filed by Mrs. H. N. Sharp and Sons, on August 5, 1964, on the grounds: "that drilling may affect the flow of existing springs owned by us which are less than one-half mile distant from the proposed point of diversion."

There are no prior water rights of record in the protestants' names covering springs in the vicinity of the subject applications. Mrs. H. N. Sharp and Sons claim that the waters of the springs have been appropriated through prior use, however, no Proofs of Appropriation or supporting evidence has been filed to support these claims. The limit and extent of such rights would necessarily be established through adjudication proceedings. The protestants have not initiated such proceedings.

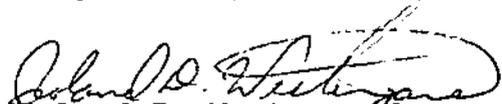
Applications 23853, 23854, 23855, and 23856 were filed on May 12, 1967 by G. N. & M. Sharp's partnership to appropriate underground water for irrigation use. Application 23853 is for 0.25 c.f.s. to be diverted in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 14, T. 6N., R. 56E., M.D.B.&M., and to be used in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, of said Section 14, (80 acres). Application 23854 is for 0.25 c.f.s. to be diverted in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 23, T. 6N., R. 56E., M.D.B.&M., and to be used in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, of said Section 23, (80 acres). Application 23855 is for 0.25 c.f.s. to be diverted in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 27, T. 6N., R. 56E., M.D.B.&M., and to be used in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, of said Section 27, (80 acres). Application 23856 is for 0.25 c.f.s. to be diverted in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 27, T. 6N., R. 56E., M.D.B.&M., and to be used in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, of said Section 27, (40 acres).

All permits to appropriate water are issued subject to existing rights; therefore any valid water rights that may exist would be required to be satisfied before permits under Applications 21964 and 21965 would be served.

RULING

The protests to the granting of Applications 21964 and 21965 are overruled and permits will be issued subject to existing rights upon receipt of the statutory permit fees.

Respectfully Submitted,


Roland D. Westergard
State Engineer

RDW:JLC:jb

Dated This 5th Day
of February, 1968.