

IN THE MATTER OF APPLICATIONS 25199,)
25200, 25202 AND 25203 FILED BY)
WILLIAM H. CASEY TO APPROPRIATE WATER)
FROM UNDERGROUND SOURCES IN NYE COUNTY,))
NEVADA)

R U L I N G

1576 Application 25199 was filed by William H. Casey on August 5, 1969 to appropriate 1.4 c.f.s. of water from an underground source in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 27, T. 6 N., R. 56 E., M.D.B.&M., for irrigation and domestic purposes. The place of use is described as 80 acres within the W $\frac{1}{2}$ NW $\frac{1}{4}$ of the said Section 27.

Application 25200 was filed by William H. Casey on August 5, 1969 to appropriate 1.0 c.f.s. of water from an underground source in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 27, T. 6 N., R. 56 E., M.D.B.&M. for irrigation and domestic purposes. The place of use is described as 40 acres within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 27.

Application 25202 was filed by William H. Casey on August 11, 1969 to appropriate 1.7 c.f.s. of water from an underground source in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 23, T. 6 N., R. 56 E., M.D.B.&M., for irrigation and domestic purposes. The place of use is described as 80 acres within the S $\frac{1}{2}$ NW $\frac{1}{4}$ of said Section 23.

Application 25203 was filed by William H. Casey on August 11, 1969 to appropriate 1.7 c.f.s. of water from an underground source in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 23, T. 6 N., R. 56 E. for irrigation and domestic purposes. The place of use is described as 80 acres within the S $\frac{1}{2}$ NW $\frac{1}{4}$ of the said Section 23.

A protest was filed on October 16, 1969 by GN&M Sharp Partnership against Application 25199 on the grounds that the source of the proposed appropriation is within 900 feet of Sharp's Artesian Well in Section 27, T. 6 N., R. 56 E. and that the flow of Sharp's well decreased considerably after the well was drilled for which the application for a permit was made.

A protest was filed on October 16, 1969 by GN&M Sharp Partnership against Application 25200 on the grounds that the source of the proposed appropriation is about 1/8-mile from the well under Permit 23855, and that the flow from the well under Permit 23855 had decreased considerably since the well for which the application was filed was drilled.

Protests were filed by GN&M Sharp Partnership against Applications 25202 and 25203 on January 28, 1970 on the grounds that, if approved, the applicant would have the right to divert about 5.0 c.f.s. of water to irrigate 80 acres, and that a spring on their property has dried since the wells for which the applications are made were drilled.

General

Application 25199

GN&M Sharp's Partnership is the owner of record of Permit 23856,

which bears a date of priority of appropriation of May 12, 1967; and which was granted for 0.25 c.f.s. of water from an underground source in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 27, T. 6 N., R. 56 E., M.D.B.&M., for the irrigation of 40 acres in the same subdivision as the point of diversion. The point of diversion is about 1,370 feet bearing N. 75°E. from the description of the proposed point of diversion under Application 25199. Application 25199 was filed to replace cancelled Permit No. 21967. A well has been drilled under Permit 21967, and an artesian flow developed. The well is not equipped with a valve or other device to control the flow of water.

Application 25200

GN&M Sharp's Partnership is the owner of Permit 23855, which bears a date of priority of appropriation of May 12, 1967; and which was granted for 0.25 c.f.s. of water from an underground source in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 27, T. 6 N., R. 56 E. The point of diversion is about 870 feet in a southwesterly direction from the proposed point of diversion under Application 25200. Application 25200 was filed to replace cancelled Permit 21966. A well has been drilled under Permit 21966 and an artesian flow developed. The well is not equipped with a valve or other device to control the flow of water.

Applications 25202 and 25203

William H. Casey is the owner of record of Permit 21964, which is for 1.7 c.f.s. of water from an underground source in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 23, T. 6 N., R. 56 E. for irrigation purposes. The point of diversion under Application 25202 is about 100 feet in a southeasterly direction from the point of diversion under Permit 21964; whereas the point of diversion under Application 25203 is about 370 feet in a northeasterly direction from 21964. The wells, all of which have been completed, are flowing artesian wells. They are not equipped with a shut-off or control device.

There are no other rights of record for sources located within 1/2 mile of the proposed appropriations.

A spring area immediately to the south of these three wells is located on GN&M Sharp's Partnership property. This spring has dried since the completion of the wells.

A field investigation was made of the area by James C. Perkins and Ross de Lipkau on May 13, 1969.

Ruling

The protests to Applications 25199, 25200, 25202 and 25203 are overruled on the grounds that granting of permits under the applications will not interfere with existing rights. Permits will be issued, subject to existing rights, upon the applicant's compliance with the Rules and Regulations for Drilling Wells, established by the State Engineer under NRS 534.020, which provide for the installation of an effective shut-off valve upon

completion of naturally flowing wells; and upon the payment of the statutorily required permit fees. Permits issued under Applications 25202 and 25203 will be further limited in that the combined rate of diversion, included with the diversion granted under Permit 21964, shall be limited to 1.7 c.f.s. of water.

Respectfully submitted,


Roland D. Westergard
State Engineer

RDW:JCP:jls

Dated this 1st day
of June, 1970.