

IN THE MATTER OF APPLICATION 26146)
TO CHANGE THE POINT OF DIVERSION)
OF THE WATERS OF AN UNDERGROUND)
SOURCE BY CONLEY RANCH IN ELKO)
COUNTY, NEVADA.)

R U L I N G

GENERAL:

Application 26146 was filed on May 25, 1971 by Conley Ranch to change the point of diversion of Permit 24491. The proposed point of diversion is an underground source within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 36, T. 33 N., R. 57 E., M.D.B.&M. The application is for 0.5 c.f.s. of water from an underground source for the purpose of fish propagation (Maintaining ponds) in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 36, T. 33 N., R. 57 E., M.D.B.&M.

Application for Permit 24491 was filed on May 15, 1968 by Conley Ranch to appropriate 0.5 c.f.s. of the waters of an underground source within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 36, T. 33 N., R. 57 E., M.D.B.&M. for the purpose of fish propagation (Maintaining ponds depths and temperatures) within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ said Section 36.

A field investigation was held on November 16, 1971 in the matter of Application 26146. The point of diversion under Application 26146 was found to be within 60 feet of the Swamp Ditch. The well under Permit 24491 was drilled at the location shown by Application 26146 and the Proofs of Commencement and Completion filed under Permit 24491 are for the location under Application 26146. The waters of the Swamp Ditch are the sole source of stockwater for several downstream ranches in the fall portion of the year.

OPINION

It is our opinion that the well under Application 26146 would adversely affect the flow of the Swamp Ditch and would tend to impair the value of existing rights.

RULING

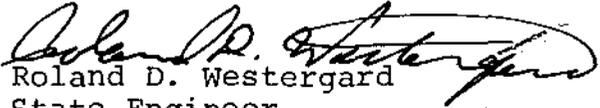
Application 26146 is herewith denied on the grounds that its granting would tend to impair the value of existing rights and would be detrimental to the public welfare.

Amended Proofs of Commencement and Completion under Permit 24491 will be due on the following dates:

Proof of Commencement.....July 1, 1972
Proof of Completion.....July 1, 1973

The Proof of Beneficial Use under Permit 24491 will be due on January 18, 1974.

Respectfully submitted,


Roland D. Westergard
State Engineer

RDW:BLR:gs

Dated this 22nd day
of December, 1971.