

IN THE MATTER OF APPLICATION 27032 )  
FILED TO APPROPRIATE UNDERGROUND )  
WATER IN SMITH VALLEY, LYON COUNTY, )  
NEVADA. )

R U L I N G

GENERAL: <sup>1071</sup>

Application 27032 was filed October 3, 1972, by Joseph Lee Burchett and Freeman C. Burchett, Jr. to appropriate 2.5 c.f.s. of the waters of an underground source to be diverted in the SE $\frac{1}{4}$  SE $\frac{1}{4}$  Section 3, T.10N., R.23E., and to be used for irrigation and domestic on 8.37 acres of land located within the NE $\frac{1}{4}$  NE $\frac{1}{4}$  Section 10, SE $\frac{1}{4}$  SE $\frac{1}{4}$  Section 3, SW $\frac{1}{4}$  SW $\frac{1}{4}$  Section 2, T.10N., R.23E.

This application was protested on February 12, 1973 by the Walker River Irrigation District on the grounds:

"The proposed California-Nevada Interstate Compact, adopted by both States, provides that water drawn from Wells located within 500 ft. of any perennial stream may be considered to draw water directly from the surface allocations. Proposed point of diversion is within 200 feet of the West Walker River, a fully appropriated stream. Further, the 2 $\frac{1}{2}$  c.f.s. applied for is far in excess of a reasonable duty of water for 8.37 acres.

If granted, withdrawal rates should be reduced to minimum supplemental requirements, and design and construction be modified to prevent any withdrawals of surface water, or legal implication of such withdrawal."

This land has a water right from the Walker River. The application to appropriate as applied for is to supplement the surface water right.

OPINION:

It is our opinion that the granting of this application in this area of the Walker River would not influence or diminish the flow of the Walker River. The granting will also not impair the value of existing rights or be otherwise detrimental to the public welfare with conditions as imposed.

RULING:

The protest to the granting of Application 27032 is hereby overruled and a permit will be granted upon the submission of the statutory permit fees, with the provision that the withdrawal of water shall not exceed 0.5 c.f.s.

and that before any casing is installed in the well the log will be submitted to this office for the determination of the perforations and seal; also that a measuring device must be installed and maintained in the discharge line to facilitate accurate measurements of the water placed to beneficial use. The total duty of water shall not exceed 4.0 acre-feet per acre per season from any and/or all sources.

Respectfully submitted,

  
Roland D. Westergard  
State Engineer

Dated this 16th day  
of March, 1973.

RDW:DLW:bs

