

IN THE MATTER OF PERMIT 21052 )  
AND APPLICATIONS 25588 AND 25785 )  
FILED IN THE NAME OF DARWIN AND )  
MARY LEE EASTER, PERL E. WARD, )  
AND J. C. AND HOLLIS L. HARRIS )  
TO APPROPRIATE UNDERGROUND WATER )  
IN NYE COUNTY, NEVADA. )

R U L I N G

GENERAL:

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Application 21052 was filed February 14, 1963 by Carol A. Morris to appropriate 5.4 c.f.s. for irrigation and domestic purposes covering 322.52 acres of land located within Government Lots 7 and 8, S $\frac{1}{2}$  of the NE $\frac{1}{4}$ , W $\frac{1}{2}$  of the SE $\frac{1}{4}$ , Section 2, T.22S., R.53E.,; Government Lots 1 and 2 in the NE $\frac{1}{4}$  of the NE $\frac{1}{4}$  in Section 12, T.22S., R.53E., M.D.B. & M.

The point of diversion is described as being within the SE $\frac{1}{4}$  NE $\frac{1}{4}$  Section 1, T.22S., R.53E., M.D.B. & M.

Application 25588 was filed May 4, 1970 by Perl E. Ward. This application was filed to change the point of diversion and place of use of 0.675 c.f.s. a portion of Permit 21052. The point of diversion is within the NE $\frac{1}{4}$  NW $\frac{1}{4}$  Section 24, T.21S., R.53E. The place of use is in the NE $\frac{1}{4}$  NW $\frac{1}{4}$  Section 24, T.21S., R.53E., M.D.B. & M.

Application 25785 was filed September 14, 1970 by Darwin and Mary Lee Easter. This application was filed to change the point of diversion and place of use of 0.085 c.f.s. a portion of the water under Permit 21052. The point of diversion is within the SW $\frac{1}{4}$  SW $\frac{1}{4}$  Section 1, T.21S., R.53E. The proposed place of use is the SW $\frac{1}{4}$  SW $\frac{1}{4}$  Section 1, T.21S., R.53E., M.D.B. & M.

Applications 25586, 25587 and 25589 were also filed to change the point of diversion and place of use of a portion of Permit 21052. Applications 25586 and 25587 were withdrawn by the applicant on July 13, 1971. Application 25589 was withdrawn by the applicant on November 9, 1973.

A permit was issued under Application 21052 on April 28, 1964 for 5.4 c.f.s. for irrigation and domestic purposes. On March 23, 1971, 2.957 c.f.s. and 177.52 acres were cancelled under this permit because of failure of the applicant to comply with the provisions of the permit. Beneficial use was due and none was filed for this portion. The provisions of Permit 21052 are explicit, inasmuch as it was limited to what the well will produce but not to exceed 5.4 c.f.s.

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Application 25588 was ready for action on October 19, 1970. Application 25785 was ready for action on February 1, 1971.

Mr. Hollis Harris was contacted September 16, 1970 regarding the production of the well. Mr. Keith Cutler of the Las Vegas office indicated in his investigation that a pump and motor was not installed as of that date. On December 9, 1970, Richard J. Baughman, the engineer for Hollis Harris, indicated to this office that a pump and motor were not installed on this well and asked how a determination of production might best be made.

On December 17, 1970, Mr. Baughman was informed that a pump test would be the only acceptable method of determining the production of the well.

On February 19, 1971, all interested parties were notified by certified mail that they would have thirty days in which to make an effort to have the well test pumped. On November 1, 1973, the interested parties were once again notified by certified mail that, unless the test pump data was forthcoming within thirty days of the date of the letter, action would be taken to deny the applications and balance of Permit 21052. All return receipt cards were filed in this office and subsequently on November 9, 1973, Application 25589 was withdrawn.

RULING:

Applications 25588 and 25785 are herewith denied on the grounds that the applicants failed to submit necessary information requested. The remaining portion of Permit 21052 is cancelled for failure of the Permittee to comply with the provisions of the permit.

Respectfully submitted,

  
Roland D. Westergard  
State Engineer

Dated this 19th  
day of December, 1973.

RDW:DLW:bs