

IN THE MATTER OF APPLICATION 27721)
FILED BY KENNETH L. AND DEBY A. JOHNS)
TO APPROPRIATE WATER FROM AN UNDERGROUND)
SOURCE IN ELKO COUNTY, NEVADA)

R U L I N G

GENERAL:

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Application 27721 was filed on August 31, 1973 by Kenneth L. and Deby A. Johns to appropriate 4.0 c.f.s. from an underground source located within Lot 2 (NW $\frac{1}{4}$ NE $\frac{1}{4}$) Sec. 1, T.35N., R.61E., M.D.B. & M., for the irrigation of 640 acres within Lots 2, 3, 4, S $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 1, T.35N., R.61E., Lot 5, SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 6, S $\frac{1}{2}$ N $\frac{1}{2}$ and N $\frac{1}{2}$ S $\frac{1}{2}$ Sec. 5, T.35N., R.62E., M.D.B. & M.

A protest to the granting of Application 27721 was filed on December 18, 1973, by Blair G. Johns on the grounds that: "Removing and using that water from an underground source will dry up our meadows, springs and well on our land in Section 1, T.35N., R.61E., and in Sections 4, 5, and 6, T.35N., R.62E." The protestant therefore requested that Application 27721 be denied.

The records of the office of the State Engineer indicate that there exists only one water right from an underground source in the vicinity of Application 27721. Certificate 8201, in the name of Blair G. Johns and Josephine B. Johns was issued December 5, 1973 under Permit 25804 for water from an underground source for stockwatering and domestic purposes. The amount of water allowed is 0.0156 c.f.s., or an amount sufficient to water 500 head of cattle. This well is located within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 36, T.36N., R.61E., M.D.B. & M., approximately 2950 feet northeast of the proposed location of the well under Application 27721.

CONCLUSIONS:

Any permit issued under 27721 would be subject to existing rights, which would thus protect existing wells from unreasonable interference. In addition, the approximate separation of 2,950 feet is considered adequate to prevent interference.

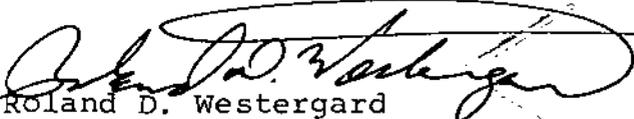
There is a considerable amount of irrigation in this area from surface water in the form of springs and creeks. However, protection of surface water rights can be provided by requiring that perforations in the casing of the proposed well be more than 100 feet from the surface or below any confining formation found to be less than 100 feet from the surface.

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RULING:

The protest to the granting of Application 27721 is hereby overruled. Upon receipt of the statutory permit fee, a permit will be issued subject to existing rights and with the provision that the well casing shall not be perforated less than 100 feet from the surface unless a log of the well shows a satisfactory confining formation nearer the surface, in which case perforations will be allowed below that confining formation.

Respectfully submitted,


Roland D. Westergard
State Engineer

RDW/BAR/bs

Dated this 31st day
of January, 1974.