

IN THE MATTER OF APPLICATIONS)
28221, 28222 and 28223 FILED BY)
HETRICK BROTHERS, INC. TO CHANGE)
THE PLACE OF USE OF UNDERGROUND)
WATER HERETOFORE APPROPRIATED IN)
HUMBOLDT COUNTY, NEVADA.)

R U L I N G

33A

On March 26, 1974, Hetrick Brothers, Inc. filed Applications 28221, 28222 and 28223 to change the place of use of underground water appropriated under Permit 21359, Certificate 6321, Permit 22013, Certificate 6366 and Permit 22508, Certificate 6111. The manner of use, irrigation and domestic, and the point of diversion, which is one well within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 16, T.42N., R.37E., M.D.M. (Quinn River Valley), are to remain unchanged. The proposed place of use is the same for all three applications and is 1370.09 acres located within the SE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ Section 8, N $\frac{1}{2}$ NE $\frac{1}{4}$ Section 16, N $\frac{1}{2}$, SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ Section 17, NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ Section 20, NW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ Section 21, NW $\frac{1}{4}$ Section 28, T.42N., R.37E., M.D.M. Applications 28221, 28222 and 28223 are three of nine applications (28220 - 28228) to change the place of use in order to commingle water for more efficient irrigation.

Applications 28221 and 28222 are to change Permit 21359, Certificate 6321 and Permit 22013, Certificate 6366. The present place of use is 72.7 acres within the N $\frac{1}{2}$ NW $\frac{1}{4}$ Section 16, T.42N., R.37E., M.D.M. Certificate 6321 is for 1.7 c.f.s. but not to exceed 290.8 acre-feet annually. Certificate 6366 is for 1.0 c.f.s. but not to exceed 290.8 acre-feet annually from all sources.

Application 28223 is to change Permit 22508, Certificate 6111. The present place of use is 75.80 acres within the N $\frac{1}{2}$ NE $\frac{1}{4}$ Section 16, T.42N., R.37E., M.D.M. Certificate 6111 is for 1.7 c.f.s. but not to exceed 303.20 acre-feet annually.

On June 25, 1974, Sylvan Taylor protested Applications 28221, 28222 and 28223 on the following grounds:

"If the above-captioned applications are granted to change the place of use of the appropriated water, any more pumping than is now being done will dry up Protestant's well which has a higher priority; last year and this year's pumping have established this to be a fact. Although the Applicant will not be allowed any more water than they now have, permit for, by diverting the use of the water more water

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will be pumped than is now being pumped; there has already been installed a 12" line to transport the water. There is now insufficient water to accommodate both wells and if the place of use is changed, Protestant's well will be rendered useless."

The closest underground water right stands in the name of Orville E. Jay and the point of diversion is approximately 2,560 feet to the North (Permit 17805 - Certificate 6374).

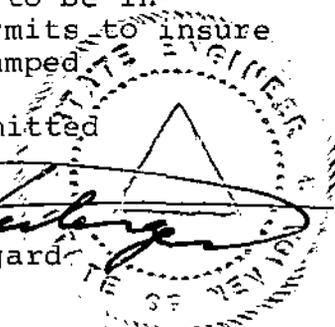
The point of diversion under Applications 28221, 28222, and 28223 is within an area of lowering water levels but the applications propose to change only the place of use of existing rights and do not apply for additional water.

RULING:

The protests to the granting of Applications 28221, 28222, and 28223 are hereby overruled and permits will be granted upon receipt of statutory fees. A meter totalizing the number of acre-feet or gallons pumped is to be installed on the well as a condition of the permits to insure that only the permitted amount of water is pumped.

Respectfully submitted


Roland D. Westergard
State Engineer



RDW/JC/bs

Dated this 7th day
of November, 1974.