

IN THE MATTER OF APPLICATION)
29265 FILED BY SETTELMAYER)
RANCHES, INC. TO APPROPRIATE)
WATER FROM AN UNDERGROUND SOURCE)
IN CARSON VALLEY, DOUGLAS COUNTY,)
NEVADA.)

R U L I N G

105

On March 12, 1975, Settelmeyer Ranches, Inc. filed Application 29265 to appropriate 6.0 c.f.s. of underground water for irrigation and domestic purposes. This point of diversion is within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 18, T.13N., R.20E., M.D.B.&M. The place of use is 920 acres within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 36, T.14N., R.19E., S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ Sec. 31, T.14N., R.20E., W $\frac{1}{2}$ Sec. 6, W $\frac{1}{2}$ Sec. 7, N $\frac{1}{2}$ NW $\frac{1}{4}$ Sec. 18, T.13N., R.20E., M.D.B.&M.

On August 15, 1975, Martin Johnson protested Application 29265 and prayed that it be issued subject to prior rights.

On August 25, 1975, Andre Aldax protested Application 29265 and prayed that it be issued subject to prior rights.

On September 2, 1975, Herbert P. and Elinor M. Witt protested Application 29265 and prayed that it be issued subject to prior rights.

On September 2, 1975, William J. Richter protested Application 29265 and prayed that it be denied or issued after Application 28999 is granted.

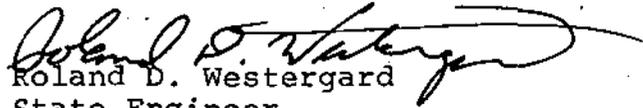
Application 28999 was denied on May 19, 1975, but Permit 29637 was issued to William Joseph Richter on April 19, 1977, to irrigate the same land.

RULING

The protest by William J. Richter is denied on the grounds that each application must be considered on its own merit and action on one application cannot solely be used to predetermine action on another.

The protests by Martin Johnson, Andre Aldax and Herbert P. and Elinor M. Witt are upheld and a permit will be issued under Application 29265, subject to existing rights, upon receipt of statutory permit fees.

Respectfully submitted,


Roland D. Westergard
State Engineer

RDW:JC:jw

Dated this 17th day
of June, 1977.