

IN THE MATTER OF APPLICATIONS)
30470 AND 30805 FILED BY)
JAMES B. OR SHARON PAULEY)
TO APPROPRIATE WATER FROM)
UNDERGROUND SOURCES IN MANHATTAN,)
NYE COUNTY, NEVADA.)

R U L I N G

137A

GENERAL:

Application 30470 was filed on August 9, 1976, by James B. or Sharon Pauley to appropriate 3.0 c.f.s. of water from an underground source for mining and domestic purposes. Water is to be diverted from its source at a point within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 19, T.8N., R.44E., M.D.B.&M. The place of use is described as the Nellie Gray Patent Survey #2848 to include the E $\frac{1}{2}$ NW $\frac{1}{4}$ and W $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 19, T.8N., R.44E., M.D.B.&M. The period of use to be from January 1st through December 31st of each year.

A protest to the granting of this application was filed by Maud H. Goehring on December 14, 1976. The grounds of this protest are as follows:

"Maud H. Goehring possesses a valid existing Permit #25616 covering waters from the same source. Any additional use of the water from this source would be detrimental, if not fatal to the purposes for which Permit #25616 was issued. The source of the underground water which is pumped from the well covered by Permit #25616 is virtually certain to be an underground flow down the gulch in which the said well is located and any diversion of water occurring upstream from this well or at or near this well would seriously impede, if not stop altogether, a flow of water to this well."

Application 30805 was filed on November 8, 1976, by James B. or Sharon Pauley to appropriate 0.80 c.f.s. of water from an underground source for mining and domestic purposes. Water is to be diverted from its source at a point from the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 19, T.8N., R.44E., M.D.B.&M. The place of use is described as the E $\frac{1}{2}$ NW $\frac{1}{4}$ and the W $\frac{1}{2}$ of the NE $\frac{1}{4}$ of Section 19, T.8N., R.44E., M.D.B.&M. The period of use is to be from January 1 to December 31 of each year. A protest to the granting of Application 30805 was filed by Maud H. Goehring on February 8, 1977. The grounds of this protest are as follows:

"Maud H. Goehring possesses a valid and existing Permit #25616 covering waters from the same source. Any

additional use of the water from this source would be detrimental, if not fatal, to the purposes for which Permit #25616 was issued. The source of the underground water which is pumped from the well covered by Permit #25616 is virtually certain to be an underground flow down the gulch in which the said well is located and any diversion of the water upstream or at or near this well would seriously impede, if not stop altogether, a flow of water to this well."

A field investigation into the matter of protested Applications 30470 and 30805 was conducted on April 8, 1977.

A report of this field investigation is available in the State Engineer's office.

Application 30470 was filed to appropriate water from the same source as valid permit (25616). Permit 25616 was approved for the appropriation of 3.0 c.f.s. of water from an underground source within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 19, T.8N., R.44E. for Mining and Domestic purposes within same subdivision. The owner of record of Permit 25616 is Maud H. Goehring.

The Proof of Beneficial Use submitted as required by the terms of Permit 25616 states that the capacity of the well is 0.278 c.f.s. which indicates that the amount of water available under the permitted right would not support additional water withdrawal and would impair the value of the existing right.

Protested Application 30805 is not the same source as Permit 25616 and/or protested Application 30470, but actually lies approximately 1300 + feet to the southeast.

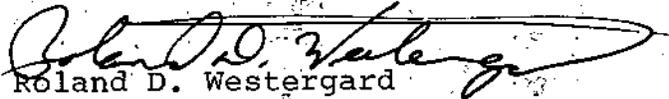
RULING

Application 30470 is hereby denied on the grounds that the granting of Application 30470 would impair the value of existing rights.

The protest to the granting of Application 30805 is hereby overruled on the grounds that the granting of

this application would not impair the value of existing rights or otherwise be detrimental to the public welfare.

Respectfully submitted,


Roland D. Westergard
State Engineer

RDW:JLL:jw

Dated this 13th day of
September, 1977.