

IN THE MATTER OF APPLICATIONS 33657, )  
33658 AND 33659 TO APPROPRIATE THE )  
WATERS OF AN UNDERGROUND SOURCE BY )  
KENNETH L. ELLSWORTH IN PERSHING )  
COUNTY, NEVADA. )

R U L I N G

GENERAL:

Application 33657 was filed on September 19, 1977 by Kenneth L. Ellsworth to appropriate 6.5 c.f.s. of water from an underground source for irrigation purposes. The point of diversion is within the NE1/4 NE1/4, Section 36, T.29N., R.32E., M.D.B.&M., or at a point from which the NE corner of said Section 36 bears N. 64° 23' 30" E., a distance of 986 feet. The place of use is 160 acres in the NE1/4, said Section 36.

Application 33658 was filed on September 19, 1977 by Kenneth L. Ellsworth to appropriate 6.4 c.f.s. of water from an underground source for irrigation purposes. The point of diversion is within the NE1/4 NE1/4, Section 36, T.29N., R.32E., M.D.B.&M. or at a point from which the NE corner of said Section 36 bears N. 51° 21' 30" E., a distance of 1,180 feet. The place of use is 160 acres within the NE1/4, said Section 36.

Application 33657 was filed on September 19, 1977 by Kenneth L. Ellsworth to appropriate 6.5 c.f.s. of water from an underground source for irrigation purposes. The point of diversion is within the SW1/4 NE1/4, Section 36, T.29N., R.32E., M.D.B.&M. or at a point from which the NE corner of said Section 36, T.29N., R.32E., M.D.B.&M. or at a point from which the NE corner of said Section 36 bears N. 48° 23' 40" E., a distance of 2,094 feet. The place of use is 160 acres within the NE1/4, said Section 36.

Protests to the granting of these applications were filed February 13, 1978, by the Pershing County Water Conservation District. The grounds of the protests were "That the granting of said Application will effect the water table and drainage and adversely effect the Decreed Waters of the Humboldt River."

The proposed points of diversion under Applications 33657, 33658 and 33659 are all in excess of 1/2 mile from the channel of the Humboldt River.

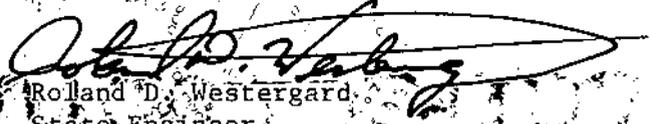
The proposed points of diversion are within the designated area of the Oreana Ground Water Basin as set forth in the State Engineer's Order No. 369. They are not within the area described in State Engineer's Order No. 370 which declares certain ground waters in the Oreana Ground Water Basin as being preferred for Municipal Use for the City of Lovelock and the residents of Lovelock Valley.

Evidence and data available indicate that the granting of permits under Applications 33657, 33658 and 33659 will not adversely effect existing water rights.

RULING

The protests to the granting of Applications 33657, 33658 and 33659 are herewith overruled. Permits will be issued, subject to existing rights, upon receipt of the statutory permit fees.

Respectfully submitted,

  
Rolland D. Westergard  
State Engineer

RDW/DLW/bl

Dated this 13th day

of APRIL, 1978.