

IN THE MATTER OF APPLICATION 24195)  
FILED BY RONALD JORDAN ON OCTOBER )  
30, 1967, TO APPROPRIATE THE ) RULING  
WATERS OF STEPTOE SLOUGH IN WHITE )  
PINE COUNTY, NEVADA. )

GENERAL:

Application 24195 was filed on October 30, 1967, by Ronald Jordan to appropriate 2.0 cfs of water from Steptoe Slough for irrigation and domestic purposes. The proposed point of diversion is within the SE $\frac{1}{4}$ SW $\frac{1}{4}$  Section 12, T16N., R63E., MDB&M. The place of use is stated to be 90 acres within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$ , and SE $\frac{1}{4}$ SW $\frac{1}{4}$  Section 12, T16N., R63E., MDB&M.

The application as filed, states the source of the appropriation as Steptoe Slough. The U. S. Geological Survey 1:24,000 East Ely Quadrangle describes the source as Steptoe Creek; however, this discrepancy is in name only and not in source.

Application 24195 was protested on January 5, 1968, by Irene T. Foppiano and Gordon V. Foppiano on the grounds that "such appropriation would interfere with the appropriated waters permitted to the undersigned under Permit 12928 causing a serious shortage which would impair our livestock and ranching operation. All available waters of said slough have been appropriated or permitted to the undersigned and others and of our own knowledge, waters under Permit 12928 are being beneficially used to the utmost and have been so used since 1949 when permitted and have used the same beneficially since 1917 when the land was homesteaded."

Certificate 3928 was issued under the terms of Permit 12928 and is owned by Gordon V. Foppiano, a 1/3 interest; and Irene T. Foppiano, a 2/3 interest. The point of diversion is stated to be within the SW $\frac{1}{4}$ SW $\frac{1}{4}$  Section 25, T23N., R63E., MDB&M. The amount of the appropriation is 3.0 cfs of water for irrigation purposes. The point of diversion under Permit 12928 is about 39 miles North of the proposed point of diversion under Application 24195.

Other appropriations of record from Steptoe Slough are as follows:

Certificate No. 550, issued under Permit 313 is for 10.0 cfs of water for power and irrigation purposes. The point of diversion is within the NW $\frac{1}{4}$ SW $\frac{1}{4}$  Section 16, T19N., R63E., MDB&M. The owner of record is W. D. Campbell.

Certificate No. 331, issued under Permit 1709 is for 4.454 cfs of water for irrigation and domestic purposes. The point of diversion is in the SE $\frac{1}{4}$ SW $\frac{1}{4}$  Section 27, T19N., R. 63E., MDB&M. The owner is Kennecott Copper Corp.

Certificate 370, issued under Permit 1866, is for 12.11 cfs of water for irrigation and domestic purposes. The point of diversion is in the NW $\frac{1}{4}$ SE $\frac{1}{4}$  Section 21, T19N., R63E., MDB&M. The owner is Kennecott Copper Corp.

Certificate 2472, subject of Permit 2583, is for 1.271 cfs of water for irrigation purposes. The point of diversion is in the SE $\frac{1}{4}$ SE $\frac{1}{4}$  Section 6, T20N., R64E., MDB&M. The owner is John Magnuson.

Certificate 821, subject of Permit 3231, is for 24.971 cfs of water for irrigation purposes. Water is diverted in the NW $\frac{1}{4}$ SE $\frac{1}{4}$  Section 20, T19N., R63E., MDB&M. Kennecott Copper Corp. is the owner of record.

Certificate 4220, issued under Permit 10982, is for 5.0 cfs of water diverted from the SW $\frac{1}{4}$ NW $\frac{1}{4}$  Section 18, T21N., R64E., for irrigation purposes. The owner is Martin Magnuson.

Certificate 3926, issued under Permit 12926, is for 3.0 cfs of water for irrigation purposes. The point of diversion is in the SW $\frac{1}{4}$ SW $\frac{1}{4}$  Section 25, T23N., R63E., MDB&M. Robert and Marcus Salvi are the owners.

Certificate 3925, issued under Permit 12925 is for 6.4 cfs of water for irrigation purposes. The point of diversion is in the SW $\frac{1}{4}$ SW $\frac{1}{4}$  Section 25, T23N., R63E., MDB&M. The owner is K. A. Barton.

Certificate 3927 was issued under Permit 12927. It is for the appropriation of 6.00 cfs of water for irrigation purposes. The point of diversion is in the SE $\frac{1}{4}$ NE $\frac{1}{4}$  Section 6, T20N., R64E., MDB&M. The owner is Magnuson Ranch.

Certificate 3929 was issued under Permit 12929 for 1.0 cfs of water for irrigation purposes. The point of diversion is in the SW $\frac{1}{4}$ NW $\frac{1}{4}$  Section 18, T20N., R64E., and the owner is Thomas Thornall.

Certificate 4009, subject of Permit 12930 is for 6.0 cfs of water for irrigation purposes. Water is diverted from the NW $\frac{1}{4}$ SE $\frac{1}{4}$  Section 24, T20N., R63E., MDB&M. The owner of record is Gust Assuras.

Certificate 4010, issued under Permit 1293, is for 2.0 cfs of water for irrigation purposes. The point of diversion is in the SW $\frac{1}{4}$ NW $\frac{1}{4}$  Section 18, T20N., R64E., MDB&M. The owner is Gust D. Assuras.

The following rights are of record for the waters of Steptoe Creek downstream (North) from the proposed point of diversion:

Certificate No. 2087 subject of Permit 7585, is for 3.01 cfs of water for irrigation purposes. The point of diversion is in the NE $\frac{1}{4}$ NE $\frac{1}{4}$  Section 2, T16N., R63E., MDB&M. The owner is C-B Ranch Company.

Certificate 3101, issued under Permit 10873 is for 2.00 cfs of water for irrigation from the SW $\frac{1}{4}$ SE $\frac{1}{4}$  Section 25, T18N., R63E., MDB&M. The owner is C-B Ranch Company.

Upstream (South) of the proposed point of diversion, Steptoe Creek has been the subject of an adjudication, and Decree No. 2875 was entered on November 6, 1935, in the 7th Judicial District Court, in and for White Pine County. By the terms of the decree, 20.75 cfs of the waters of Steptoe Creek were decreed to Consolidated Coppermines Corp. for irrigation under Proof 02266. The successor in interest is C-B Land and Cattle Company. In addition, 0.094 cfs of water was decreed to Griswold Henderson Livestock Company for stockwatering; and .03125 cfs to R. T. Swallow, Inc.

Other Upstream permitted rights from Steptoe Creek follow:

Certificate 1087, subject of Permit 828, is for 1.258 cfs of water for irrigation purposes. The point of diversion is in the SW $\frac{1}{4}$ SE $\frac{1}{4}$  Section 13, T16N., R63E., MDB&M. The owner of record is C-B Land and Cattle Company.

Certificate 5873, issued under Permit 15114, is for 10 cfs of water for irrigation and domestic purposes. The point of diversion is in the NW $\frac{1}{4}$ SW $\frac{1}{4}$  Section 17, T15N., R64E., MDB&M. The owner of record is C-B Ranch Company.

Permit 16875 was granted to appropriate 8.0 cfs of water for irrigation and domestic purposes. The point of diversion is in the SE $\frac{1}{4}$ NE $\frac{1}{4}$  Section 5, T15N., R65E., MDB&M. The owner of record is C-B Land and Cattle Company.

A field investigation in the matter of Application 24195 was made on March 20, 1968.

## OPINION:

It is the opinion of the State Engineer that runoff passing the proposed point of diversion contributes nothing to the amount of water available for diversion from Steptoe Slough at the protestant's point of diversion; except at times of exceptionally high run-off. Such run-off, if not utilized, will sink into the valley floor. Therefore, it is the opinion of the State Engineer that granting of a permit under Application 24195 will not adversely affect prior appropriations from Steptoe Slough; and, since said permit would be issued subject to existing rights in Steptoe Creek below the point of diversion, said rights will not be adversely affected.

RULING

The protest to Application 24195 is hereby over-ruled and a permit will be issued, subject to existing rights, upon payment of the statutory permit fees.

Respectfully submitted.

  
Roland D. Westergard  
State Engineer

RDW:JCP:dc

Dated this 9th day  
of May, 1968.