

IN THE MATTER OF APPLICATION 22774)
FILED BY GERALD E. WHITE TO)
APPROPRIATE WATER FROM AN UNDER)
GROUND SOURCE IN STONE CABIN)
VALLEY, NYE COUNTY, NEVADA)

R U L I N G

GENERAL:

Application 22774 was filed September 10, 1965, by Gerald E. White for 5.4 cfs of water from an underground source at a point in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 34, T4N., R48E., and to be used for irrigation of 320 acres in the NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 34, W $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 35, T4N., R48E., MDB&M.

This application was protested on December 6, 1965, by PTP, Inc. Investigation in the matter of the application was made January 10, 1966, and a supplemental investigation was made on April 23, 1968.

The place of use under Application 22774 is subject of DLE Nev. 061604 which was approved on June 29, 1967. This application reserves to the Nevada State Highway Department a material site right-of-way to the W $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 34, T4N., R48E.

Proof of Appropriation 02362 in the name of John J. Casey claims a vested right to Stone Cabin Creek for the watering of 300 head of cattle from January 1 to December 31 of each year.

The works of diversion and place of use of this claim of vested right lies in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 34, T4N., R48E. The works of diversion consist of a small earthen dam in Stone Cabin Creek which diverts the water through a ditch to the gravel pit which is located within the W $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ said Section 34.

OPINION:

It is our opinion that the granting of this application will not impair the value of existing rights that exist on Stone Cabin Creek provided that a suitable channel be maintained to allow the flow of Stone Cabin Creek to reach existing stock watering facilities.

RULING:

Protest to granting Application 22774 is hereby overruled on the grounds that it will not impair the value of existing rights and otherwise be detrimental to the public welfare. This ruling is subject to the condition that the channel of Stone Cabin Creek will be maintained at its relative location so as to provide a method of diverting water to the existing facilities.

Respectfully submitted,


Roland D. Westergard
State Engineer

RDW:TJS:dc

Dated this 14th day
of June, 1968.