

IN THE MATTER OF APPLICATION NO.)
15721 TO APPROPRIATE THE WATERS)
OF THE HUMBOLDT RIVER IN PERSHING)
COUNTY, NEVADA.)

R U L I N G

GENERAL:

73 Application 15721 was filed on June 28, 1954 by the Pershing County Water Conservation District to appropriate 2,000 acre-feet of the waters of the Humboldt River to be diverted and stored within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 11, T. 25 N., R. 31 E. and to be used for domestic purposes and the irrigation of 6800 acres located within Sections 7, 8, 9, 10, 16, 17, 18, 19, 20 and 30, T. 25 N., R. 31 E. and Sections 12 and 13 T. 25 N., R. 30 E. The use is to begin on January 1st and end on December 31st of each year.

This application was protested on April 18, 1955 by Marie Anderson on the grounds that the appropriation of waters from the Humboldt River and the impounding thereof as set forth in said application will interfere and impair the beneficial use of the waters of the Humboldt River to which the protestant, Marie Anderson, is entitled, and that there is no unappropriated water of the Humboldt River.

On January 23, 1969 a letter was forwarded to the Pershing County Water Conservation District requesting an expression of their interest in this application. In a letter of February 14, 1969 the Secretary-Manager of the District indicated that the District desired that further action be taken on the application. The letter included a description of the manner in which the Big Five Dam and Reservoir are operated; that is for regulation purposes and to store water in cases of emergency shutoffs and systems overloading. The letter included, in part, the following, *** "It is however the feeling of this District that the impounding of water in this reservoir for distribution would not be the best thing for the area receiving water from the Big 5 Dam, principally because of the high saline quality of water that would be captured by this dam during the non-irrigation season. We feel that these saline waters could be a deterrent to these lands if used in any quantity. It is however our opinion that if we did reconstruct the Big 5 Dam that it could be used for regulatory purposes and would store water in cases of emergency." *** "It would not be our intention to utilize or reconstruct Big 5 Dam for the storage of non-irrigation season water, which is basically drainage water, but as you can see for the overall use and distribution it would

be a fine dam for this district to have for a better distribution system and elimination of waste, that has sometimes happened in the past."

Application J-19 for approval of plans and specifications for the Big Five Dam indicated that the purposes of the dam were "Reregulation District Water." Application J-19 was approved on May 18, 1956.

There are earlier priority decreed and permitted rights to serve the proposed place of use under this application. The right and authority exists under prior rights to reregulate and accumulate Humboldt River water in the Big Five Reservoir.

RULING

Application 15721 is hereby denied on the grounds that the intent of the application as expressed by the applicant is not to appropriate and store water but rather to reregulate water already appropriated.

Nothing in this ruling shall preclude the use of the Big Five Dam and Reservoir from reregulation or accumulation of water appropriated under other water rights.

Respectfully submitted,


Roland D. Westergaard
State Engineer

RDW:m

Dated this 18th day
of June, 1969