

IN THE MATTER OF APPLICATION)
NO. 6468 FILED BY BERTHA A.)
JOHNSTON TO FIX THE PLACE OF USE)
OF WATER FROM THE WALKER RIVER)
IN LYON COUNTY, NEVADA.)

R U L I N G

GENERAL:

107 Application No. 6468 was filed by Bertha A. Johnston on May 23, 1921, for permission to fix the place of use of water from the Walker River. The applicant claims water heretofore appropriated and beneficially used through the Nichol Ditch. The point of diversion remains unchanged and is described as within Section 15, T.13N., R.25E., M.D.B.&M. Application 6468 was filed to fix 1.2 c.f.s. of water to 100 acres of land in the north part of the NW $\frac{1}{4}$ of Section 5, T.13N., R.26E., M.D.B.&M. with a date of priority of 1877 and 0.72 c.f.s. of water to 60 acres of land in the central part of the W $\frac{1}{2}$ of Section 5, T.13N., R.26E., M.D.B.&M. with a date of priority of 1868. The water is to be used for irrigation and domestic purposes from March until October of each year.

Protest to the granting of Application 6468 was filed on July 20, 1921, by W. H. Morgan.

The Walker River Decree, In Equity No. C-125, was filed on April 14, 1936, by the District Court of the United States, District of Nevada and recognized and affirmed a total of 160 acres to John Nagel as successor to N. J. Whitacre and B. A. Johnston. A priority of 1868 is decreed for 0.36 c.f.s. of water from the Walker River for 30 acres within a fraction of the N $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 5 and a priority of 1877 is decreed for 1.56 c.f.s. of water from the Walker River for 130 acres within a fraction of the NW $\frac{1}{4}$ of Section 5, all in T.13N., R.26E., M.D.B.&M.

RULING

Application No. 6468 is herewith denied on the grounds that the Walker River Decree, In Equity No. C-125, District Court of the United States, District of Nevada has recognized and affirmed the place of use of the waters from the Walker

River on lands under this application and no further purpose would be served by the granting of Application No. 6468.

Respectfully submitted,


ROLAND D. WESTERGARD
State Engineer

RDW:WJN:jw

Dated this 24th day of
July, 1969.