

IN THE MATTER OF APPLICATIONS)
25005, 25006, 25007, AND 25008)
TO DIVERT WATER FROM COTTONWOOD)
CREEK, BEEF CREEK, AND COLONY)
CREEK IN HUMBOLDT COUNTY, NEVADA.)

R U L I N G

GENERAL:

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Application 25005 was filed by John E. Ferraro and Ella Ferraro to divert 4.0 c.f.s. from Cottonwood Creek for irrigation purposes. The point of diversion was to be NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 6, T.41N., R.40E., M.D.B.&M., and the place of use is S $\frac{1}{2}$ NW $\frac{1}{4}$ and N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 6, T.41N., R.40E., E $\frac{1}{2}$ NE $\frac{1}{4}$; E $\frac{1}{2}$ SE $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 13 and SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 12, all in T.41N., R.39E., M.D.B.&M. The period of use is to be from January 1st to April 1st.

A protest to the granting of a permit under the above application was filed August 18, 1969, by N. B. Ranches, Inc.

Application 25006 was filed by John E. Ferraro and Ella Ferraro to divert 6.5 c.f.s. from Beef and Dry Creeks for irrigation purposes. The point of diversion was to be SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 11, T.41N., R.39E., M.D.B.&M., and the place of use is SE $\frac{1}{4}$; S $\frac{1}{2}$ NE $\frac{1}{4}$; NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 11; W $\frac{1}{2}$ NW $\frac{1}{4}$; W $\frac{1}{2}$ SW $\frac{1}{4}$; SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 12, E $\frac{1}{2}$ NE $\frac{1}{4}$; E $\frac{1}{2}$ SE $\frac{1}{4}$; NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 13, all in T.41N., R.39E., M.D.B.&M. The period of use is to be from January 1st to April 1st.

A protest to the granting of a permit under the above application was filed August 18, 1969, by N. B. Ranches, Inc.

Application 25007 was filed by John E. Ferraro and Ella Ferraro to divert 4.0 c.f.s. from Cottonwood Creek for irrigation purposes. The point of diversion was to be SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 25, T.42N., R.39E., M.D.B.&M., and the place of use is N $\frac{1}{2}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$ NE $\frac{1}{4}$; N $\frac{1}{2}$ SE $\frac{1}{4}$; NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 1, T.41N., R.39E., M.D.B.&M., SW $\frac{1}{4}$ NW $\frac{1}{4}$; N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 6, T.41N., R.40E., M.D.B.&M. The period of use is to be from January 1st to April 1st.

A protest to the granting of a permit under the above application was filed August 18, 1969, by N. B. Ranches, Inc.

Application 25008 was filed by John E. Ferraro and Ella Ferraro to divert 2.5 c.f.s. from Colony Creek for irrigation purposes. The point of diversion was to be SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 12, T.41N., R.39E., M.D.B.&M., and the place of use is SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 1; S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 12; N $\frac{1}{2}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 13, all in T.41N., R.39E., M.D.B.&M. The period of use is to be from January 1st to April 1st.

Protests to the granting of a permit under the above application were filed June 10, 1969, by Nevada Garvey Ranches, Inc., and on June 25, 1969, by Frank and Fermin Gavica and Delphina Zatica dba Gavica Co.

The waters of Cottonwood Creek, Beef Creek, and Colony Creek are tributary to the Little Humboldt River, and the decreed rights to these waters are included in Decree No. 3157, In the Matter of the Determination of the Relative Rights in and to the Waters of the Little Humboldt River and its Tributaries in Humboldt and Elko Counties. The decree provides in part, "That the waters of the stream system are fully appropriated and that there is no surplus water for irrigation during the irrigating season." "**** that the State Engineer shall have the right, power and authority to direct that said irrigating season shall begin earlier or later, because of the changes in climatic conditions and because of fluctuation in and to the waters of the stream system, giving due regard to the early run-off***."

RULING

Applications 25005, 25006, 25007 and 25008 are hereby denied on the grounds that any time that waters of the Little Humboldt River or its tributaries are to be available and used for irrigation, the State Engineer has the authority to open the irrigating season. Once the irrigating season has been opened, under the terms of Decree No. 3157, there is no surplus or unappropriated water for irrigation.

Respectfully submitted,


Roland D. Westergard
State Engineer

RDW:WJN:jw

Dated this 7th day of
October, 1969