

IN THE MATTER OF APPLICATIONS )  
24991, 24992 AND 24993 TO DIVERT )  
WATER FROM INDIAN CREEK, IN )  
HUMBOLDT COUNTY, NEVADA )

R U L I N G

GENERAL:

6.9 Application 24991 was filed by Thomas and Anne Underwood to divert 10.0 c.f.s. from Indian Creek for irrigation purposes. The point of diversion was to be NW $\frac{1}{4}$ SE $\frac{1}{4}$  Section 25, T. 43 N., R. 40 E., M.D.B.&M. and the place of use is portions of Section 31, T. 43 N., R. 40 E. and Sections 6, 7 and 8, T. 42 N., R. 40 E., M.D.B.&M. The period of use is to be from January 1st to May 1st.

A protest to the granting of a permit under the above application was filed June 10, 1969 by Nevada Garvey Ranches, Inc.

Application 24992 was filed by Thomas and Anne Underwood to divert 5.0 c.f.s. from Indian Creek for irrigation purposes. The point of diversion was to be NW $\frac{1}{4}$ SW $\frac{1}{4}$  Section 31, T. 43 N., R. 39 E., M.D.B.&M. and the place of use is W $\frac{1}{2}$  Section 6 and N $\frac{1}{2}$ NW $\frac{1}{4}$  Section 7, T. 42 N., R. 40 E. and SW $\frac{1}{4}$ SW $\frac{1}{4}$  Section 31, T. 43 N., R. 40 E., M.D.B.&M. The period of use is to be from January 1st to May 1st.

A protest to the granting of a permit under the above application was filed June 10, 1969 by Nevada Garvey Ranches, Inc.

Application 24993 was filed by Thomas and Anne Underwood to divert 4.7 c.f.s. from Indian Creek for irrigation purposes. The point of diversion was to be NW $\frac{1}{4}$ SW $\frac{1}{4}$  Section 31, T. 43 N., R. 40 E., M.D.B.&M. and the place of use is Portions of Sec. 31, T. 43 N., R. 40 E., and Section 6, T. 42 N., R. 40 E., M.D.B. &M. The period of use is to be from January 1st to May 1st.

A protest to the granting of a permit under the above application was filed June 10, 1969 by Nevada Garvey Ranches, Inc.

The waters of Indian 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 24991, 24992 and 24993 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:KAR:jls

Dated this 13th day

of October, 1969.