

IN THE MATTER OF APPLICATION 25240)
FILED BY MAE K. BRADSHAW FOR THE)
WATERS OF DUCKWATER CREEK LOCATED)
IN NYE COUNTY, NEVADA.)

R U L I N G

General:

1738 Application 25240 was filed on August 26, 1969, by Mae K. Bradshaw to divert to storage 5.4 c.f.s. of water from Duckwater Creek for irrigation purposes. The point of diversion is described as being in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 23, T. 11 N., R. 56 E., M. D. B. & M. The place of use of the stored waters is described as the W $\frac{1}{2}$ E $\frac{1}{2}$ and E $\frac{1}{2}$ W $\frac{1}{2}$ Section 25, T. 11 N., R. 56 E., M. D. B. & M. The period during which water is to be stored is described as from November 1st to March 31st of the following year. Use of stored water is to begin on April 1st and end on October 31st of each year.

This application was protested on January 2, 1970, by Edward and Beatrice Halstead and on January 23, 1970, by Copper Sheep Company.

Duckwater Creek is the subject of the Averill Decrees of 1909 and 1910 and a certain stipulation of 1930 along with certain permits granted subject to decreed rights.

Permit 21186 was granted on June 26, 1967, to Mae K. Bradshaw for 5.4 c.f.s. of water for irrigation purposes from Duckwater Creek.

Under item titled "remarks" on Application 25240, the applicant stated "this application is in conjunction with the water filed for under Permit No. 21186 and the applicant intends to store the water under this permit so that the utilization of the water year-round will be possible."

RULING

The protests to the granting of Permit 25240 are herewith overruled and a permit will be granted upon receipt of the statutory permit fees subject to the following conditions:

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1. Subject to all existing rights on the source.
2. Subject to existing decrees on the source and with the understanding that there will be no regulation of decreed rights for the benefit of this permit.
3. With the understanding that the total diversion under this permit and Permit No. 21186 shall not exceed 5.4 c.f.s.

Respectfully submitted,


Roland D. Westergard
State Engineer

RDW:PGM:kjm

Dated this 1st day

May, 1970.