

IN THE MATTER OF APPLICATIONS NOS.)
 13031 AND 13407 FILED BY W. C. GOODMAN)
 AND WALTER ROSEVEAR TO APPROPRIATE THE : RULING
 WATERS OF WHITE RIVER AND TRIBUTARIES, :
 WHICH INCLUDES WILLIAMS CREEK, IN WHITE)
 PINE COUNTY, NEVADA.)

Application No. 13031 was filed on August 26, 1949 to appropriate 4.0 c.f.s. of water for irrigation and domestic purposes. The proposed point of diversion is in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 29, T. 13 N., R. 61 E., M.D.B.&M. and the place of use is 400 acres of land in portions of Sections 32 and 33, T. 13 N., R. 61 E., M.D.B.&M. The period of use is from January 1st to April 1st and from October 1st to December 31st of each year.

Protests to the granting of this application were filed as follows:

On January 16, 1950 by the Lund Irrigation and Water Company.

On January 16, 1950 by Leland Hendrix and Albert Gubler.

On February 8, 1950 by Joe Rosevear.

The protests of the Lund Irrigation and Water Company and Leland Hendrix and Albert Gubler were based on the grounds that the granting of this application would conflict with the prior use of the protestants. The protest of Joe Rosevear was based on the grounds that the applicants should not be allowed more than 2.0 c.f.s. of water which is approximately the amount of water they are entitled to under the White River Decree.

Application No. 13407 was filed on June 6, 1950 to appropriate 4.0 c.f.s. of water for irrigation and domestic purposes. The proposed point of diversion and the place of use are identical to those described under Application No. 13031. The period of use is from January 1st to December 31st of each year. The applicant states that the amount of water applied for is that amount in excess of the decreed water right of the upper users on White River that is not sufficient in quantity to reach the lower users at Preston.

Protests to the granting of this application were filed as follows:

On January 2, 1951 by Albert Gubler.

On January 10, 1951 by the Preston Irrigation Company.

The protest of Albert Gubler was based on the grounds that its granting would interfere with his rights under Permits Nos. 2824 and 11076, and the protest of the Irrigation Company was based on the grounds that 4.0 c.f.s. of water does not exist in White River except during periods of exceptionally heavy spring run-off or during

the occurrence of cloud bursts.

GENERAL

On April 16, 1953 a field investigation in the matter of these applications was conducted by E. J. DeRicco, Field Deputy State Engineer.

Attached hereto is an abstract of all water rights on White River and the White River channel in the vicinity of Lund. Said abstract covers an area of about 25 miles of channel, ranging from the uppermost user to the point of diversion under Certificate No. 220.

The water filings that may be affected by the appropriation of winter water under Application No. 13031 are Certificates Nos. 444, 3351 and 3352; Permits Nos. 2824 and 13043; Application No. 13479 and a decreed right under Proof of Appropriation No. 00168 in the name of the Adams-McGill Company. All of these filings are at least 12 miles down stream from the point of diversion under Application No. 13031 and divert water from a section of the channel known as the White River slough.

Stream flow records in this office indicate that the flow of White River is seldom great enough to contribute to the White River slough except in periods of heavy rain or when heavy snows melt during the spring months. The main sources of water for the slough are Preston Big Springs and the Lund Spring, together with their tributaries.

When sufficient water is flowing in White River to contribute to the White River slough, the upper users cannot, by diversion of such water, prevent it from returning to the White River channel. The upper users are situated in a narrow canyon. Their cultured areas are located in the floor of said canyon. Due to this condition the entire flow of water diverted on the fields returns to the White River channel except for that portion of the flow that is used by the crops. If the flow in the stream is great enough to contribute to the White River slough, it would be impossible for the upper users to divert and use the quantity of water available.

The summer flow of White River and its tributaries is fully appropriated by the White River decree and by the following water filings:

Certificates Nos. 128, 220 and 3021.

RULING

The protests to the granting of Application No. 13031 are hereby overruled on the grounds that the granting of said application will not interfere with existing rights or be detrimental to the public welfare. The amount of diversion under said application will be limited to .00414 c.f.s. per acre or not to exceed a yearly duty of 1.5 acre feet per acre, as specified for winter use under the White River Decree.

A permit will be issued under Application No. 13031 upon receipt of the statutory permit fee.

The protests to the granting of Application No. 13407 are herewith sustained and the application is denied on the grounds that the waters of White River and its tributaries are fully appropriated during the period the applicants propose to appropriate said waters, and that its granting would impair the value of existing rights and be detrimental to the public welfare.

Respectfully submitted,

HUGH A. SHAMBERGER
State Engineer

By *Edmund Muth*

EDMUND MUTH
Assistant State Engineer

Dated this 20th day of
April, 1954.

ABSTRACT OF WATER FILINGS
WHITE RIVER & WHITE RIVER CHANNEL
IN THE VICINITY OF LUND,
NYE & WHITE PINE COUNTIES, NEVADA

FILE NO.	CERT. NO.	OWNER	POINT OF DIVERSION				ACRES	C.F.S.	PERIOD OF USE	PRIORITY
			SUB.	SEC.	T.N.	R.E.				
349	128	Preston Irrig. Co.	SW $\frac{1}{4}$ SE $\frac{1}{4}$	3	12	61	900.0	9.00	4-1 to 11-1	1-25-07
2334	220	J. S. Riordan	SE $\frac{1}{4}$ NE $\frac{1}{4}$	27	10	61	200.0	2.0	4-1 to 9-1	2--7-12
2384	444	E. R. Gregory & E. A. Hendrix	SE $\frac{1}{4}$ NE $\frac{1}{4}$	11	10	61	329.0	3.29	1-1 to 7-1	3-25-12
2824 1/		J. J. Gubler, A. S. Gubler, L. Hendrix, G. L. O'Donnell & Adams McGill Co.	NE $\frac{1}{4}$ SE $\frac{1}{4}$	19	11	62	2960.0	25.0	9-1 to 6-1	11-15-13
6672 2/		Preston Irrig. Co.	SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	1 12	12 12	61 61	40.0	0.4	4-1 to 11-1	5--3-22
10118	3021	Preston Irrig. Co.	SW $\frac{1}{4}$ SE $\frac{1}{4}$	3	12	61	820.61	8.2061	4-1 to 11-1	5-17-37
11076	3351	A. S. Gubler	SW $\frac{1}{4}$ SE $\frac{1}{4}$	11	10	61	146.10	1.461	1-1 to 4-1	3--4-44
11078	3352	E. Gubler	NE $\frac{1}{4}$ SW $\frac{1}{4}$	7	11	62	102.42	1.0242	1-1 to 3-31	3--6-44
12518		J. Gardner	SW $\frac{1}{4}$ SW $\frac{1}{4}$	11	12	60	200.0	3.00	10-1 to 4-1	6-28-48
13031 3/		W. C. Goodman & W. Rosevear	SW $\frac{1}{4}$ SW $\frac{1}{4}$	29	13	61	400.0	4.00	10-1 to 4-1	8-26-49
13043 4/		A. Gubler	SE $\frac{1}{4}$ NW $\frac{1}{4}$	30	11	62	1880.0	12.0	11-20 to 4-1	11-15-13
13407 5/		W. C. Goodman & W. Rosevear	SW $\frac{1}{4}$ SW $\frac{1}{4}$	29	13	61	400.0	4.0	1-1 to 12-31	6--6-50
13479		L. Carter	SE $\frac{1}{4}$ NW $\frac{1}{4}$	23	10	61	1360.0	14.0	1-1 to 5-1	9--7-50

1/ P.B.U. filed - no certificate

2/ To change - no action

3/ No action

4/ To change portions of Permit No. 2824

5/ No action

DECREE
WHITE RIVER AND ITS TRIBUTARIES
WHITE PINE COUNTY, NEVADA
SHOWING WATER RIGHTS ON WHITE RIVER CHANNEL

Proof No.	Priority	Present Owner	Place of Use			Acres	C.F.S.	Acre Feet	Remarks
			Sec.	T. N.	R. E.				
01166	1869	D. W. Davis & J. Gardner	31 6	13 12	61 61	163	1.350	489.0	Summer use
01167	1880 1889 1894 1905	J. Gardner	1-11	12	60	69.0	0.572	207.0	Summer use
01168	1898	Adams & McGill Co.	6-7	11	62	120.0	0.497	180.0	Present owner unknown - for winter use only
01169	1892	Andrew Lee	9	12	60	9.4	0.078	28.2	Present owner unknown - summer use
01170	1869	J. Gardner	31 6	13 12	61 61	29.5	0.245	88.5	Summer use
01171	1881	W. Rosevear & W. C. Goodman	32	13	61	233.5	1.934	700.5	Summer use

NOTE: Period of use:

Summer - April 1st to September 15th of each year

Winter - September 15th to April 1st of each year