

IN THE MATTER OF APPLICATION 27227 )  
FILED BY 25 CORP., INC., TO APPRO- )  R U L I N G  
PRIATE WATER FROM ROCK CREEK LOCATED )  
IN LANDER COUNTY, NEVADA. )

GENERAL:

Application 27227 was filed on January 11, 1973, by the 25 Corp., Inc. to appropriate 75.6 c.f.s. of the waters of Rock Creek for irrigation purposes. The point of diversion is described as being in the NW $\frac{1}{4}$ SE $\frac{1}{4}$  Sec. 6, T.32N.,R.46E., M.D.B.&M. The place of use is described as 4040 acres in the S $\frac{1}{2}$  and NW $\frac{1}{4}$  Sec. 1; all of Sec. 2, T.32N.,R.45E., M.D.B.&M., N $\frac{1}{2}$ , SE $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$  Sec. 33, T.34N.,R.44E., M.D.B.&M., NE $\frac{1}{4}$ , E $\frac{1}{2}$ SE $\frac{1}{4}$  Sec. 4; SW $\frac{1}{4}$ , W $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{2}$ SE $\frac{1}{4}$  Sec. 3; E $\frac{1}{2}$ , NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$  Sec. 10; E $\frac{1}{2}$ NE $\frac{1}{4}$  Sec. 15; S $\frac{1}{2}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ , NW $\frac{1}{2}$ NW $\frac{1}{4}$  Sec. 14; NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$  Sec. 23; all of Sec. 24; NE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ , NW $\frac{1}{2}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$  Sec. 25, T.33N.,R.44E., M.D.B.&M. The period of use is Dec. 15 to Sept. 1 of the following year.

This application was protested on May 2, 1973, by the Lander County Fair and Recreation Board on the following grounds:

"The Lander County Fair and Recreation Board have for many years been planning a dam in Section 28 T.35N.,R.47E., M.D.M. for irrigation and recreational purposes. The approval by the State Engineer of an appropriation of 75.6 c.f.s. at a point several miles downstream will preclude any approval of storage by the Lander County Fair and Recreational Board. Since Rock Creek is known as an early-delivery stream system the only practical method of increasing its utilization for irrigation, prior to delivery into the adjudicated Humboldt system, would be to provide adequate storage as planned by the Lander County Fair and Recreation Board and the controlled release of that water following storage."

There are decreed rights under the Humboldt River Decree to serve portions of the proposed place of use under Application 27227. That Decree establishes an irrigation season.

Records indicate that flows in Rock Creek in excess of that necessary to satisfy existing water rights are limited in quantity, duration, and frequency.

RULING

Application 27227 is hereby denied on the grounds that when there are sufficient quantities of water available to satisfy existing rights, the portion of the place of use under the application which has appurtenant water rights has an adequate water supply; further, on the grounds that there is insufficient water available in quantity, duration, and frequency on a direct diversion basis to adequately serve and therefore provide a beneficial use on those portions of the place of use that do not have an existing water right.

Respectfully submitted,

  
Roland D. Westergard  
State Engineer

RDW:PGM:jw

Dated this 25th day of

June, 1974.