

IN THE MATTER OF APPLICATIONS 9339)
AND 9340 FILED BY UNITED SECURITIES)
CORPORATION ON SEPTEMBER 19, 1930,)
FOR PERMISSION TO APPROPRIATE 15.0)
CFS AND 22.0 CFS OF WATER FROM)
LEHMAN CREEK AND TRIBUTARIES AND)
BAKER CREEK AND TRIBUTARIES RESPEC-)
TIVELY FOR IRRIGATION AND DOMESTIC)
PURPOSES IN WHITE PINE COUNTY,)
NEVADA.)

R U L I N G

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GENERAL:

Application 9339 was filed by United Securities Corporation on September 19, 1930, for permission to appropriate 15.0 c.f.s. of water from Lehman Creek and Tributaries for irrigation and domestic purposes. The proposed point of diversion is within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 12, T.13N.,R.69E., M.D.B.&M. The proposed place of use is 4,400 acres within portions of Sections 1, 2, 3, 4, 9, 10, 11, 14, 15, 16 and 22, all in T.13N.,R.70E. The proposed period of use is August 28th to April 15th of the following year. Protests were filed under this application on November 11, 1931, by Grant and Belle L. Smith and on November 20, 1931, by Esther Smith.

Application 9340 was filed by United Securities Corporation on September 19, 1930, for permission to appropriate 22.0 c.f.s. of water from Baker Creek and Tributaries for irrigation and domestic purposes. The proposed point of diversion is within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 14, T.13N.,R.69E., M.D.B.&M. The proposed place of use and period of use are the same as described under Application 9339. Protests were filed under this application on November 11, 1931, by Grant and Belle L. Smith and on November 20, 1931, by Esther Smith.

These applications were transferred to Baker Ranches, Inc. on January 2, 1970.

U. S. G. S. Gaging Stations were installed 4 3/4 miles southwest of Baker, above all diversions on Baker and Lehman Creeks. The combined average annual flow of the two creeks between 1948 and 1955, inclusive, was 9,780 acre-feet. The flow of the combined creeks varied from 20,790 acre-feet in 1952 to 4,620 acre-feet in 1954.

The court has decreed 16,319.10 acre-feet per year to the water users of Baker and Lehman Creeks.

RULING

Applications 9339 and 9340 are herewith denied on the grounds that there is no unappropriated water in Baker and Lehman Creeks and the granting of permits under these applications would impair the value of existing rights and would be detrimental to the public welfare.

Respectfully submitted,


Roland D. Westergard
State Engineer

RDW:RRD:jw

Dated this 9th day of
May, 1975.