

IN THE MATTER OF APPLICATION)
25685 FILED BY BLAIR G. AND)
JOSEPHINE B. JOHNS FOR PERMISSION)
TO APPROPRIATE WATER FROM SLOUGH)
#2 (CONWAY "RENSHAW CREEK, CROCKER)
"ROBERTS" CREEK, KANE CREEK AND)
DUVAL CREEK) IN ELKO COUNTY, NEVADA)

R U L I N G

GENERAL:

Application 25685 was filed by Blair G. and Josephine B. Johns on July 2, 1970 for permission to appropriate 13 c.f.s. of water from Slough #2 (Conway "Renshaw" Creek, Crocker "Roberts" Creek, Kane Creek and Duval Creek) at a point within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 5, T.35N., R.62E., M.D.B.& M. for irrigation of 1280 acres within N $\frac{1}{2}$ Section 5, Section 4 and Section 9, T.35N., R.62E., M.D.B.& M.

This application was ready for action January 4, 1971, however, a protest was filed by Kenneth Johns on January 4, 1971, on the grounds that "this dike would back the water up on many acres and would make it a swamp".

A field investigation was held under this protest on November 15, 1973, at the proposed point of diversion under this application. Present for the investigation were:

Blair G. Johns - Applicant
Kenneth Johns - Protestant
Delyle (Bud) Danner - representing the Division of
Water Resources and
Robert R. Dorsey - Representing the Division of
Water Resources

The field investigation disclosed that the proposed point of diversion was near the east end of an east-west dike and ditch approximately 1/2 mile long which intercepted runoff water from Lots 1, 2 and 3 and N $\frac{1}{2}$ of the S $\frac{1}{2}$ of the NE $\frac{1}{4}$ Section 5, T.35N., R.62E., M.D.B.& M. This ditch collects water from several small channels bisecting the above described land. Field evidence indicated that the southern extension of this dike and ditch can and has backed water upon the S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 5.

Applications 25687, 25688 and 25689 were filed by Blair G. and Josephine B. Johns for permission to appropriate water from Slough #3, Slough #5 and Leach (Brasse, Lampman) Creek, respectively. The proposed point of diversion under Application 25687 is described as within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 9, T.35N., R.62E. from Slough #3. The applicants proposed to divert 10.0 c.f.s. of water for irrigation of 1280 acres within the N $\frac{1}{2}$ Section 5 and Section 4 and Section 9, T.35N., R.62E., M.D.B.& M.

Application 25688 was for permission to divert 5.0 c.f.s. of water from Slough #5 within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 8, T.35N., R.62E., M.D.B.& M. The proposed place of use was for the irrigation of 1280 acres within the N $\frac{1}{2}$ Section 5 and Section 4 and Section 9, T.35N., R.62E., M.D.B.& M.

Application 25689 was for permission to appropriate 10.0 c.f.s. of water from Leach (Brassee, Lampman) Creek at a point within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 8, T.35N., R.62E., M.D.B.& M. The proposed place of use is for irrigation of 1280 acres in the N $\frac{1}{2}$ Section 5 and Section 4 and Section 9, T.35N., R.62E., M.D.B.& M.

These applications were ready for action January 4, 1971, however, action had been withheld pending the investigation of the protest under 25685. These applications were also investigated during the course of the investigation under 25685.

Application 25687 is for a diversion from the southward extension of the same ditch under Application 25685 which collects runoff water from most of Section 5 through several natural channels. The ditch parallels approximately $\frac{3}{4}$ of a mile of the east line of said Section 5.

Application 25689 is for a point on the ditch under Applications 25685 and 25687 approximately $\frac{1}{2}$ mile south of the point of diversion under 25687.

Application 25688 collects water mainly from a natural slough draining the S $\frac{1}{2}$ of Section 8, T.35N., R.62E., M.D.B.& M.

A field investigation was held under these applications on November 15, 1973.

The place of use under these applications has existing certificated water rights covering portions of the land.

Certificate 7134, subject of Permit 3212, was issued for 1.6 c.f.s. of water from Slough #1 at a point within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 4, T.35N., R.62E., for irrigation of 85 acres of land in the SE $\frac{1}{4}$ of said Section 4.

Certificate 7135, subject of Permit 3213, was issued for 1.6 c.f.s. of water from Slough #2 at a point in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 4 for irrigation of 236.1 acres of land within the NE $\frac{1}{4}$ Section 9 and NW $\frac{1}{4}$ Section 10, T.35N., R.62E., M.D.B.& M.

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Certificate 7136, subject of Permit 3214, was issued for 1.6 c.f.s. of water from Slough #3 at a point in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 9, T.35N., R.62E., M.D.B.& M.

Certificate 7329, subject of Permit 3216, was issued for 0.79 c.f.s. of water from Slough #4 at a point within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 9, T.35N., R.62E., M.D.B.& M. for irrigation of 79 acres of land within the S $\frac{1}{2}$ SE $\frac{1}{4}$ of said Section 9.

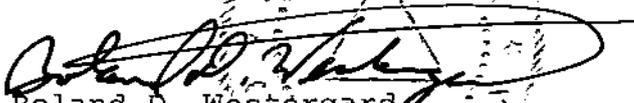
Permit 8565 was issued for 20.0 c.f.s. of water from Wiseman Channel Spring within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 4, T.35N., R.62E., M.D.B.& M. for irrigation of 3080 acres within portions of Sections 4, 9, 10, 14, 15, 22, 25, 26, T.35N., R.62E., M.D.B.& M.

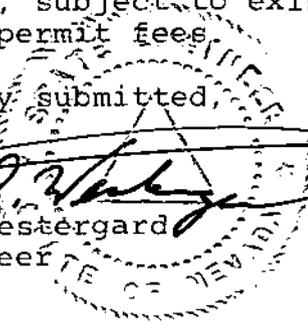
RULING:

The protest filed under Application 25685 is herewith overruled on the grounds that the proposed point of diversion under this application does not cause the flooding but the flooding is caused by the irrigation practices of the applicant.

Application 25685 will be granted, subject to existing rights, upon receipt of the statutory permit fees.

Respectfully submitted,


Roland D. Westergard
State Engineer



RDW/RRD/bs

Dated this 13th
day of June, 1975.