

IN THE MATTER OF APPLICATION)  
30698 FILED TO APPROPRIATE )  
WATER FROM THE EAST DRAIN IN)  
MASON VALLEY, LYON COUNTY, )  
NEVADA. )

R U L I N G

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Application 30698 was filed by the State of Nevada, Department of Fish and Game on September 29, 1976 to appropriate 9.444 c.f.s. of water from the East Drain for irrigation. The point of diversion is within the SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 16, T.14N., R.26E., M.D.B. & M. The place of use is 786.9 acres within Sections 8, 9, 16, 17, 18, 19, 20 and 21, T.14N., R.26E., M.D.B. & M.

Application 30698 states under "12. Remarks; An additional point of diversion is requested to divert decreed water from East Drain which is part of the Walker River system. The additional point of diversion would not replace the existing point of diversion but would allow a portion of the decreed water to be diverted from a point closer to the place of use thus reducing transportation losses.

No additional water will be diverted as a result of this request and the place of use will remain unchanged.

The Walker River Irrigation District is aware of and supports this application.

The water in East Drain is primarily irrigation return flow from upstream users."

Application 30698 was protested on December 9, 1976 by the Walker River Irrigation District who prayed that Application 30698 be denied, unless issued subject to restrictions as outlined. The attached objections and restrictions were;

OBJECTIONS AND RESTRICTIONS

The East Drain is referred to in Decree C-125, and in application 30698 also, as a part of the Walker River. Most of its waters are return flow, and make up a considerable part of the supply with which the Water Master fills the Walker River Indian Reservation decreed rights. Also, the Jay Julian Ranch receives its water supply, both decree and storage by diversion from this drain below the point of diversion now proposed. The point of diversion is some 15 miles from Yerington, in an area of limited access. To properly regulate and supervise this proposed diversion would be expensive and inconvenient at best. Only by close cooperation between the Fish and Game Ranch personal, the operator of the Jay Julian Ranch, and the Board of Water Commissioners, could serious conflict be avoided.

OBJECTIONS AND RESTRICTIONS (Continued)

If granted we request the permit be issued subject to the following restrictions:

1. No structure may be built in the East Drain that backs water to higher level. There shall be no interference with the free flow of drainage water.
2. A serviceable access road shall be constructed and maintained by the applicant or his successors for inspection and control by the Water Master.
3. Prior to the commencement of pumping from this diversion, and prior to each such diversion the Water Master shall be notified at least 48 hours in advance, and he alone shall determine if such diversion is permitted.
4. In making his decision, the Water Master may consider the water requirements of the Jay Julian Ranch, and the general management of river flows under his control. He may deny permission, or delay it as he sees fit.
5. A suitable measuring device shall be installed and maintained by the applicant or his successors, and locked headgates or other securing devices may at any time be required by the Water Master, and be installed promptly at his demand.

Application 30698 was protested on January 7, 1977 by Jay Julian and Darlene Julian who prayed that Application 30698 be denied on the following grounds;

That protestants receive all of protestants' water (decree, storage, flood) from the East Drain and if applicant's request to divert from the East Drain is granted, protestants' right to water to be delivered to protestants' land below the proposed additional point of diversion will be permanently and adversely affected to the extent that protestants would be effectively denied, on a continuing basis, all rights to water to which protestants are entitled and which is appurtenant to protestants' land which is particularly described as follows:

The Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$  NW $\frac{1}{4}$ ); Southwest Quarter of Northeast Quarter (SW $\frac{1}{4}$  NE $\frac{1}{4}$ ); Northwest Quarter of Southeast Quarter (NW $\frac{1}{4}$  SE $\frac{1}{4}$ ), and Lot Five (5) of Section Twenty (20), Township Fifteen North (T15N), Range Twenty Six East (R26E), M.D.B. & M., containing 157.15 acres, more or less.

Also, Northeast Quarter of Southwest Quarter (NE $\frac{1}{4}$  SW $\frac{1}{4}$ ), of Section Twenty (20), Township

Fifteen North (T15N), Range Twenty Six  
East (R26E), M.D.B. & M., containing 40  
acres.

Together with all water and water rights,  
ditches and ditch rights, dams, headgate  
and canal rights, as shown by the record  
of the Walker River Irrigation District  
records; also, all Taylor Grazing rights  
and other permits used in connection with  
above described premises.

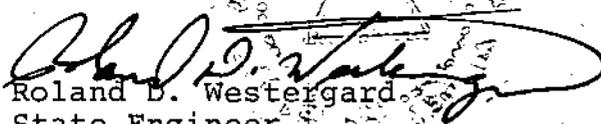
Application 30698 is an application to appropriate,  
not an application to change the point of diversion as is  
suggested under "12. Remarks".

Decreed rights under Decree C-125 (Walker River Decree)  
and appropriated rights from the Walker River Stream system  
far exceed average flows of the Walker River Stream system.

RULING

Application 30698 is denied and the protests upheld on  
the grounds that there is no unappropriated water at the  
proposed source, the proposed use conflicts with existing  
rights, and the proposed use threatens to prove detrimental  
to the public welfare.

Respectfully submitted,



Roland D. Westergard  
State Engineer

RDW/bl

Dated this 25th day  
of October, 1977.