

IN THE MATTER OF APPLICATION 30929)
FILED BY LA VAR AND LILA RAE MURDOCK)
TO APPROPRIATE WATER FROM AN UNDER-)
GROUND SOURCE IN KELLY CREEK VALLEY,)
HUMBOLDT COUNTY, NEVADA.)

R U L I N G

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GENERAL:

Application 30929 was filed on December 14, 1976 by La Var and Lila Rae Murdock to appropriate 2.1 c.f.s. of water from an underground source for irrigation purposes. The point of diversion is described as being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 10, T.37N., R.42E., M.D.B.& M., and the place of use is described as being 1594.5 acres within the S $\frac{1}{2}$ Section 36, T.38N., R.42E., and Sections 2 and 10 of T.37N., R.42E., M.D.B.& M. The period of use is described as January 1st to December 31st of each year. Under Item 12 of the application, (Remarks) the applicant states that: "This water is to supplement the already existing water in order to be able to pump sufficient c.f.s. during the short pumping irrigation season from March through September. However, no more acre-feet of demand are needed over and above that which has already been allotted".

The point of diversion under this application is within the Kelly Creek Ground Water Basin and is the subject of a State Engineer's Order No. 536 dated May 9, 1975. The order states that conditions warrant the designation of the Kelly Creek Ground Water Basin in Humboldt and Elko Counties and thereby designates the area as a ground water basin coming under the provisions of Chapter 534 NRS. The proposed appropriation under Application 30929 is in close proximity to existing approved appropriations and applications with earlier priorities have been denied in this concentrated area.

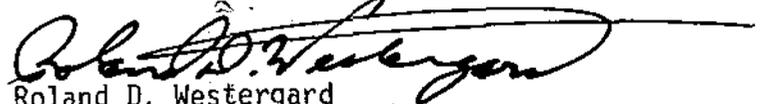
OPINION:

It is our opinion that the appropriation sought under Application 30929 constitutes an additional appropriation within the concentrated area of the Kelly Creek Ground Water Basin and that to grant this appropriation would tend to impair the value of existing rights and be otherwise detrimental to the public welfare.

RULING:

Application 30929 is hereby denied on the grounds that the granting of this application would tend to impair the value of existing rights and be otherwise detrimental to the public welfare.

Respectfully submitted,


Roland D. Westergard
State Engineer

RDW/PGM/dc

Dated this 8th day
of November 1977.