

IN THE MATTER OF APPLICATIONS 34408)
AND 34409 FILED BY DELONG RANCHES)
INC. ON OCT. 26, 1977 FOR PERMISSION)
TO CHANGE THE POINTS OF DIVERSION)
OF WATER HERETOFORE APPROPRIATED)
UNDER PERMIT 1572 FROM LITTLE CEDAR)
CREEK AND BIG CEDAR CREEK IN HUMBOLDT)
COUNTY, NEVADA)

R U L I N G

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I Application 34408 was filed on October 26, 1977 by DeLong Ranches, Inc. for permission to change the point of diversion of water heretofore appropriated from Little Cedar Creek under Permit 1572. The new point of diversion is within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 15; T.38N., R.31E., M.D.M. The place of use, which remains unchanged, is 112.15 acres in portions of Sections 16, 17, 20 and 21, all within T.38N., R.32E., M.D.M.

I Application 34409 was filed on October 26, 1977 by DeLong Ranches Inc. for permission to change the point of diversion of water heretofore appropriated from Big Cedar Creek under Permit 1572. The new point of diversion is within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 4, T.38N., R.31E., M.D.M.; the existing point of diversion is within Lot 4, Section 18, T.38N., R.32E., M.D.M. The place of use, which remains unchanged, is identical to that described under Application 34408; above.

The total combined amount of water to be changed under Applications 34408 and 34409 is 1.6 c.f.s.

Applications 34408 and 34409 were filed at the request of the Division of Water Resources, for the purpose of correcting the points of diversion from the one described under Permit 1572 to the actual points of diversion as described in the Proof of Beneficial Use submitted under the terms of Permit 1572.

Timely protests were filed on August 21, 1978, by the United States, Bureau of Land Management against Applications 34408 and 34409 on the identical grounds that the proposed points of diversion from Little Cedar Creek and Big Cedar Creek, respectively, were located on public lands in the ownership of the U.S. Government; and, in order to make beneficial use of the water from the proposed points of diversion, the applicant must ditch the water across public land to the points of use; that no easement for ditches connecting the points of diversions with the points of use have been applied for by the applicant or granted by the U.S. Government; and that therefore the applicant cannot make beneficial use of the water without being in violation of 43 CFR 2801.1-4 (unauthorized occupancy). The protestant asks that the applications be denied

pending application for right-of-way for ditches:

The permitted rights of record for the appropriation of water from Big Cedar Creek and Little Cedar Creek, in addition to Permit 1572, are as follows:

Certificate 1917, issued under the terms of Permit 7050, is for the appropriation of 0.70 c.f.s. of water or 169.09 acre-feet per season, from Big Cedar Creek at a point within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 4, T.38N., R.31E., M.D.B.&M., for the irrigation of 70 acres of land located within portions of Sections 20 and 21, T.38N., R.32E., M.D.B.&M. The period of use is from March 1 to July 1 of each year.

Certificate 1918, issued under the terms of Permit 7061, is for the appropriation of 0.3396 c.f.s. of water, or 82.03 acre-feet per season, from Little Cedar Creek at a point within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 15, T.38N., R.31E., M.D.B.&M., for the irrigation of 33.96 acres of land located within portions of Section 21, T.38N., R.32E., M.D.B.&M. The period of use is from March 1 to July 1 of each year.

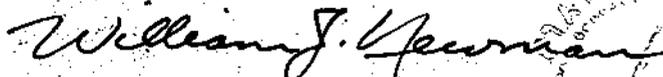
No claims of vested rights for the appropriation of water from Big Cedar Creek or Little Cedar Creek have been filed in the Office of the State Engineer. The relative rights of the users of the waters of Big Cedar Creek and Little Cedar Creek have not been adjudicated.

The State Engineer finds that the change in the points of diversion proposed under Applications 34408 and 34409 does not tend to impair the value of existing rights, or to be otherwise detrimental to the public welfare.

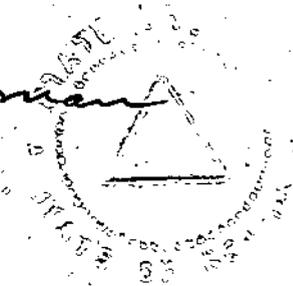
RULING

The protests to Applications 34408 and 34409 are overruled, and permits will be issued, subject to existing rights, with the understanding that the granting of permits does not thereby grant rights of ingress or egress to public or private lands.

Respectfully submitted,



WILLIAM J. NEWMAN
State Engineer



WJN/JCP/ha

Dated this 15th

day of August, 1979.