

IN THE MATTER OF APPLICATIONS 37876,)
37877, 37878, 38004, 38005, 38006,)
38007 AND 38008 FILED TO APPROPRIATE)
UNDERGROUND WATER IN THE KELLEY CREEK)
AREA, HUMBOLDT COUNTY, NEVADA)

R U L I N G

#2657

INTRODUCTION

Kelly Creek Land & Cattle Co. filed Applications 37876, 37877, 37878, 38004, 38005, 38006, 38007 and 38008 to appropriate underground water for irrigation and domestic purposes in the Kelley Creek Area east of Winnemucca, Nevada. Applications 37876, 37877 and 37878 were filed on April 10, 1979, and Applications 38004, 38005, 38006, 38007 and 38008 were filed on April 24, 1979.

FINDINGS OF FACT

Application 37876 is to appropriate 3.4 c.f.s. to irrigate 200 acres. The point of diversion is in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 27, T.37N., R.41E., M.D.M., and the place of use is in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ said Section 27.

Application 37877 is to appropriate 2.7 c.f.s. to irrigate 160 acres. The point of diversion is in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ said Section 27 and the place of use is in the SW $\frac{1}{4}$ said Section 27.

Application 37878 is to appropriate 2.7 c.f.s. to irrigate 160 acres. The point of diversion is in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 25, T.37N., R.41E., M.D.M., and the place of use is in the W $\frac{1}{2}$ W $\frac{1}{2}$ said Section 25.

Application 38004 is to appropriate 2.7 c.f.s. to irrigate 160 acres. The point of diversion is in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ said Section 27 and the place of use is in the SE $\frac{1}{4}$ said Section 27.

Application 38005 is to appropriate 3.4 c.f.s. to irrigate 200 acres. The point of diversion is in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 5, T.36N., R.41E., M.D.M., and the place of use is in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ said Section 5.

Application 38006 is to appropriate 3.4 c.f.s. to irrigate 200 acres. The point of diversion is in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 13, T.37N., R.41E., M.D.M., and the place of use is in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ said Section 13.

Application 38007 is to appropriate 2.7 c.f.s. to irrigate 160 acres. The point of diversion is in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ said Section 13 and the place of use is in the SW $\frac{1}{4}$ said Section 13.

Application 38008 is to appropriate 2.7 c.f.s. to irrigate 160 acres. The point of diversion is in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ said Section 5 and the place of use is in the SW $\frac{1}{4}$ said Section 5.

Applications 37876, 37877, 37878, 38004, 38005, 38006, 38007 and 38008 were protested on March 12, 1980 by LaVar J. and Lila Rae Murdock who prayed that the applications be denied on the following grounds:

- "1. that the aforereferenced application lies within a designated ground basin.
2. Proposed application to appropriate would adversely affect prior existing rights within the ground basin by creating additional pumping cost and a decrease in pumping capacity brought about by the lowering of the water table."

Applications 37876, 37877, 37878, 38004, 38005, 38006, 38007 and 38008 were protested on March 14, 1980 by Jo Christison who prayed that the applications be denied on the following grounds:

"It is my opinion based on long-standing, first-hand experience with the property in question, that the proposed well would severely deplete and possibly eliminate nearby natural springs, which are of critical importance to the cattle ranching operation.

I feel that the underlying water table which would be utilized under this permit is highly volatile, based on experiences with two other incidents in which water sources (a. natural spring and b. shallow windmill driven well) were completely dried up resulting from new gravel-packed irrigation wells drilled in nearby areas."

A field investigation was held on August 14, 1980.

The point of diversion under Application 37878 is less than one-half mile from the Christison Ranch. The points of diversion under Applications 38006 and 38007 are hydraulically up gradient from the Christison Ranch and in a position to intercept ground water supplying springs at the ranch.

The points of diversion under Applications 37876, 37877, 38004, 38005, and 38008 are more than one-mile from other water rights of record and are several miles from the Murdock Farms.

RULING

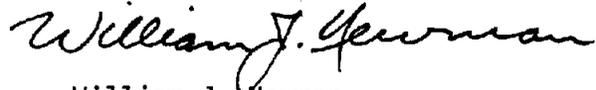
The Christison protests to the granting of Applications 38006 and 38007 are upheld and these applications are denied on the grounds that to grant them would adversely affect existing rights.

Kelley Creek Land & Cattle Co. may file an application to change the point of diversion under Application 37878 from the NW $\frac{1}{4}$ NW $\frac{1}{4}$ said Section 25 to the SW $\frac{1}{4}$ SW $\frac{1}{4}$ said Section 25 and it will be duly processed. A permit to appropriate underground water for irrigation will not be issued where the point of diversion is within the W $\frac{1}{2}$ NW $\frac{1}{4}$ or NW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 25 on the grounds that to issue such a permit would adversely affect existing rights.

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The protests to Applications 37876, 37877, 38004, 38005, and 38008 are overruled and permits will be issued upon payment of statutory fees. The granting of these permits will not adversely affect existing rights.

Respectfully submitted,



William J. Newman
State Engineer

WJN/bc

Dated this 28th day of
MAY, 1981.