

IN THE MATTER OF APPLICATION 14684 }
FILED ON DECEMBER 16, 1952 BY }
RICHARD MAGEE TO APPROPRIATE THE }
WATERS OF COWBOY REST CREEK IN }
SUPPORT OF DLE 011868 LOCATED IN }
LANDER COUNTY, NEVADA, FOR IRRIGA- }
TION AND DOMESTIC PURPOSES. }

R U L I N G

General:

Application 14684 was filed on December 16, 1952 by Richard Magee to appropriate 5.5 c.f.s. of the waters of Cowboy Rest Creek for irrigation and domestic purposes in support of DLE 011868. The point of diversion is described as being located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 21, T. 23 N., R. 46 E., M.D.B.&M., and the place of use as 320 acres within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ and S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 21; SW $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 22, T. 23 N., R. 46 E., M.D.B.&M.

On April 17, 1961 this application was protested by Paris, Paris and Inchauspe on the following grounds:

"that it would impair and conflict with the value of existing rights; that it would be against public policy to grant said application, and contrary to statute; that the granting of said application would interfere with the customary use of protestants' grazing of said areas and protestants' existing water rights and ranges".

A field investigation in the matter of the above application was held on September 13, 1965.

Opinion:

The limit and extent of the claims of vested rights on Cowboy Rest Creek have not been determined. The protestants claim of vested rights on cultivated lands along the creek channel, however, inspection in the field showed that there is no cultivation below the point of diversion under Application 14684 except for the lands under DLE 011868. It is the opinion of this office that water from Cowboy Rest Creek reaching the point of diversion under Application 14684 would be surplus and subject to appropriation and that the granting of Application 14684 will not impair the value of existing rights or be otherwise detrimental to the public welfare.

Ruling:

The protest to Application 14684 is herewith overruled and a permit will be issued subject to existing rights upon receipt of the statutory permit fee.

Respectfully submitted,


Roland D. Westergard
Assistant State Engineer

Dated this 19th day of
November, 1965.

RDW:PGM:wij