

IN THE MATTER OF APPLICATION 18585)
FILED TO APPROPRIATE WATERS OF)
HARDSCRABBLE CREEK (WASTE WATER))
FOR IRRIGATION PURPOSES.)

R U L I N G

Joe, Herbert and George Capurro filed Application 18585 on February 15, 1960, to appropriate 1.0 c.f.s. for the irrigation of 17.58 acres within Lots 7 & 8 (both within SE $\frac{1}{4}$ NE $\frac{1}{4}$) Section 15, T.24 N., R.21 E., M.D.B&M. The proposed point of diversion is located within SE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 15, and the proposed period of use is from April 1st to November 1st of each year. The application includes the following statement under "Remarks": "waste water from Hardscrabble Creek to be used when available to supplement wells".

Protests to the granting of this application were filed on April 19, 1960, by M. S. Land & Livestock and on April 27, 1960 by Walter L. and Adelaide Pattridge on the grounds that protestants have vested rights to the waters of Hardscrabble Creek.

An investigation in the matter of this application was made on May 1, 1962.

Opinion:

It is the opinion of this office that since the proposed point of diversion under application 18585 is down stream from existing points of diversion and granting of this application will not impair the value of existing water rights or otherwise be

trimental to the public welfare.

Ruling:

The protest of John M. Matley, Clifford L. Matley, Marshall R. Matley, and Wayne C. Matley, dba M. S. Land & Livestock, is herewith overruled. The alternative in the protest of Walter L. Pattridge and Adelaide L. Pattridge is herewith sustained, and a Permit will be granted subject to existing rights.

Dated this 22nd day of November, 1965

Respectfully submitted,
GEORGE W. HENNEN
State Engineer

By: Roland D. Westergard
Roland D. Westergard
Assistant State Engineer

RDW/TJS:ns/ja

