

IN THE MATTER OF APPLICATIONS 22686 AND)
22687 FILED ON JULY 13, AND APPLICATION)
22696 FILED ON JULY 16, 1965 IN THE NAME))
OF RALPH A. AND WILMA D. McCLINTICK TO)
CHANGE THE POINTS OF DIVERSION AND PLACE))
OF USE OF PORTIONS OF THE WATER HERETO-)
FORE APPROPRIATED UNDER PERMITS 14649,)
14740 AND 19355. THE WATER TO BE USED)
FOR IRRIGATION AND DOMESTIC PURPOSES IN)
THE QUINN RIVER VALLEY DESIGNATED BASIN,))
HUMBOLDT COUNTY, NEVADA.)

R U L I N G

General:

23A
On July 13, 1965, Ralph A. and Wilma D. McClintick filed Applications 22686 and 22687 to change the points of diversion and place of use of portions of the water heretofore appropriated under Permits 14649 and 14740. On July 16, 1965 Ralph A. McClintick filed Application 22696 to change the point of diversion and place of use of the water heretofore appropriated under Application 19355.

The specific changes are as follows:

Under Application 22686, the place of use of:

0.8 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 20, T. 43 N., R. 37 E., MDB&M
1.7 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 20, T. 43 N., R. 37 E., MDB&M
0.64 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 20, T. 43 N., R. 37 E., MDB&M

is to be changed to the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 20, T. 43 N., R. 37 E., M. D.B. & M., The point of diversion of 0.04 c.f.s. of water is to be changed from a point within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 20, T. 43 N., R. 37 E., M.D.B. & M., to a point within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 20, T. 43 N., R. 37 E., M.D.B. & M.

Under Application 22687, the place of use of:

3.05 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 20, T. 43 N., R. 37 E., MDB&M
1.94 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 20, T. 43 N., R. 37 E., MDB&M

is to be changed to the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 20, T. 43 N., R. 37 E., M.D.B. & M. The point of diversion of 0.07476 c.f.s. of water is to be changed from a point within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 20, T. 43 N., R. 37 E., M.D.B. & M., to a point within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 20, T. 43 N., R. 37 E., M.D.B. & M.

Under Application 22696, the place of use of:

200 acres in the E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 20,
T. 43 N., R. 37 E., M.D.B. & M.,

is to be changed to the NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$,
SE $\frac{1}{4}$ SE $\frac{1}{4}$, in Section 20, T. 43 N., R. 37 E., M.D.B. & M.. The point of
diversion of 2.0 c.f.s. of water is to be changed from a point with-
in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 20, T. 43 N., R. 37 E., M.D.B. & M., to a
point within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 20, T. 43 N., R. 37 E., M.D.B. &
M.

Applications 22686, 22687 and 22696 were protested on
December 16, 1965 by Mr. George O. Hill on the following grounds:

- (1) Water rights cannot be transferred from irrigated lands
to new, non-irrigated lands.
- (2) Water rights on lands of less than 40 acres cannot be
transferred.
- (3) If land covered by a water right is not irrigated for
five consecutive years it loses the right to water.

During a prearranged investigatory meeting held in the Quinn
River Valley, on January 19, 1966, pertinent excerpts from the Nevada
Water Law were read and discussed, to everyones apparent understand-
ing to the end that Mr. George O. Hill, together with others present
agreed that points (1) and (2) of the protest had no basis in Nevada
Water Law. After reading and thoroughly discussing those portions of
the law pertaining to abandonment and forfeiture, it was generally
agreed that point (3) of the protest was not applicable to the present
case in point.

RULING

The protests to the granting of Applications 22686, 22687 and
22696 are herewith overruled on the grounds that the points of protest
are either invalid or not applicable and that the granting of these
applications would not impair the value of existing rights or be other-
wise detrimental to the public welfare.

Dated this 15th day of

February, 1966.

Respectfully submitted,

GEORGE W. HENNEN
State Engineer

BY: Roland D. Westergard
Roland D. Westergard, Asst. State Engineer