

IN THE MATTER OF APPLICATION 19177)
FILED BY DAVID E. IVESON, FOR THE)
WATERS OF NIGGER CREEK AND TRIBU-)
TARIES, WASHOE COUNTY, NEVADA.)

R U L I N G

This application was filed on September 7, 1960 by David E. Iveson for the storage of 2,000 acre feet per annum of the flood and surplus waters of Nigger Creek and tributaries, to be used for the irrigation of 480 acres of land located within the N $\frac{1}{2}$ Sec. 24, T. 35 N., R. 23 E., and the NW $\frac{1}{4}$ Sec. 19, T. 35 N., R. 24 E., M.D.B. & M. The water is to be diverted within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 32, T. 36 N., R. 23 E., and conveyed to a reservoir located within portions of the N $\frac{1}{2}$ SE $\frac{1}{4}$ and N $\frac{1}{2}$ Sec. 5, T. 35 N., R. 23 E. and S $\frac{1}{2}$ Sec. 32, T. 36 N., R. 23 E.

This application was protested on February 14, 1961 by John T. Welch on the following grounds:

"Said protestant now uses all of the normal flow of said waters for the purpose of irrigating 400 acres of land which he has under cultivation and for the watering of his stock for which he has Taylor Grazing rights for 140 head, and that said waters have been so used continuously by protestant since 1929 and by his predecessors in interest for more than 40 years prior to his title; that his lands are immediately adjacent northeasterly and northerly of the proposed diversion by applicant herein, and that he will be adversely effected by the granting of the permission sought by applicant."

A field investigation in the matter of this application was made April 19, 1966.

The point of diversion under this application is well below the point of diversion of the protestant. There are certain periods during the year when there is excess water in Nigger Creek, which is subject to appropriation.

Opinion: It is our opinion that the granting of this application will not impair the value of existing rights or be otherwise detrimental to the public welfare.

Ruling: The protest to the granting of this application is herewith overruled on the grounds that its granting would not impair the value of existing rights or be otherwise detrimental to the public welfare. Nothing in this ruling should be construed to mean that the plans and specifications of the dam under dam application J-60 have been approved.

Respectfully submitted,


Roland D. Westergard
Assistant State Engineer

RDW:TJS:kd

Dated this 15th day of

June, 1966.