

IN THE MATTER OF APPLICATION NO. )  
10288 FILED FOR THE WATERS OF )  
THE HUMBOLDT RIVER IN PERSHING )  
COUNTY, NEVADA. )

R U L I N G

GENERAL:

Application 10288 was filed on August 30, 1938 by the Pershing County Water Conservation District to appropriate 200 c.f.s. of the waters of the Humboldt River to be diverted in the NE $\frac{1}{4}$ NW $\frac{1}{4}$  Section 11, T. 25 N., R. 31 E. and to be used for domestic purposes and irrigation of 7,080 acres located within Sections 12, 13, T. 25 N., R. 30 E., Sections 7, 8, 9 W $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , S $\frac{1}{2}$  Section 10, NW $\frac{1}{4}$ ,NW $\frac{1}{4}$ SW $\frac{1}{4}$  Sections 16, Sections 17, 18 and 19 S $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , S $\frac{1}{2}$  Section 20 and Section 30, T. 25 N., R. 31 E., M.D.B.&M.

Use is to begin on January 1st and end on December 31st of each year.

This application was protested on January 14, 1939 by Harry W., Howard F. and Clarence E. Sommer and E. J. Kewley on the following grounds:

- "1. That there is no available water for appropriation in the Humboldt River as it is already over appropriated.
2. That under the laws of the State of Nevada there are two kinds of appropriated water -- First, irrigation to be used between March 15 and September 15 in each year and that for storage to be stored between September 15 and March 15 of each year.
3. That if the applicant be permitted an all year use of said water for irrigation purposes, it will irreparably injure the protestants who are the last appropriator on the Humboldt River."

There are earlier priority decreed and permitted rights to serve the proposed place of use under this application. When there are sufficient quantities of water available to satisfy these prior rights, the place of use under this application will have received a full water right in that given year. In the

event the water supply is inadequate to serve prior rights the supply would also be inadequate to satisfy any right under this direct diversion application.

RULING

Application 10288 is hereby denied on the grounds that land to be served under the application has water rights under prior appropriations and to grant additional direct diversion rights for this land would be adverse to other rights on the stream system and detrimental to the public welfare.

Respectfully submitted,

  
Roland D. Westergard  
State Engineer

RDW:m

Dated this 18th day  
of June, 1969.