

IN THE MATTER OF APPLICATIONS NO.)
24983, 24984, AND 24985 TO DIVERT)
WATER FROM INDIAN CREEK, COTTON-)
WOOD CREEK AND HANDY CREEK, IN)
HUMBOLDT COUNTY, NEVADA.)

R U L I N G

GENERAL:

69 Application 24983 was filed by Joe Boggio to divert 1.0 cfs from Indian Creek for Irrigation Purposes. The point of diversion was to be NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 31, T. 42 N., R. 40 E., M.D.B.&M., and the place of use is S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 31, T. 42 N., R. 40 E., and Lots 1, and 2 Section 6, T. 41 N., R. 40 E., M.D.B.&M. The period of use is to be from January 1st to April 1st.

A protest to the granting of a permit under the above application was filed on August 18, 1969 by N. B. Ranches, Inc.

Application 24984 was filed by Joe Boggio to divert 3.0 cfs from Cottonwood and Handy Creeks for irrigation purposes. The point of diversion was to be NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 15, T. 42 N., R. 39 E., M.D.B.&M., and the place of use is W $\frac{1}{2}$ SW $\frac{1}{4}$; SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 25, SE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$; S $\frac{1}{2}$ SW $\frac{1}{4}$; NE $\frac{1}{4}$ SW $\frac{1}{4}$; SE $\frac{1}{4}$ NW $\frac{1}{4}$; Section 26, E $\frac{1}{2}$ NE $\frac{1}{4}$; NW $\frac{1}{4}$ NE $\frac{1}{4}$; SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 35, NW $\frac{1}{4}$ NW $\frac{1}{4}$; SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 36, all in T. 42 N., R. 39 E., M.D.B.&M. The period of use is to be from January 1st to April 1st.

A protest to the granting of a permit under the above application was filed on June 25, 1969 by Lewis E. Miller and Ruby Miller and on June 25, 1969 by C. A. Recanzone.

Application 24985 was filed by Joe Boggio to divert 3.0 cfs from Cottonwood Creek for irrigation purposes. The point of diversion was to be NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 36, T. 42 N., R. 39 E., M.D.B.&M., and the place of use is SE $\frac{1}{4}$; E $\frac{1}{2}$ NE $\frac{1}{4}$; SW $\frac{1}{4}$ NE $\frac{1}{4}$; E $\frac{1}{2}$ SW $\frac{1}{4}$; E $\frac{1}{2}$ NW $\frac{1}{4}$, Section 6, T. 41 N., R. 40 E., M.D.B.&M. The period of use is to be from January 1st to April 1st.

A protest to the granting of a permit under the above application was filed August 18, 1969 by N. B. Ranches, Inc.

The waters of Indian Creek, Cottonwood Creek and Handy Creek, are tributary to the Little Humboldt River, and the decreed rights to these waters are included in Decree No. 3157, in the Matter of the Determination of the Relative Rights in and to the Waters of the Little Humboldt River and its tributaries in Humboldt and Elko Counties. The decree provides in part, "That the waters of the stream system are fully appropriated and that there is no surplus water for irrigation during the irrigating season". "...That the State Engineer shall have the right, power and authority to direct that said irrigating season shall begin earlier or later, because of the changes in climatic conditions and because of fluctuation in and to the waters of the stream system, giving due regard to the early runoff...."

Applications No. 24983, 24984, and 24985, are hereby denied on the grounds that any time that waters of the Little Humboldt River or its tributaries are to be available and used for irrigation, the State Engineer has the authority to open the irrigating season. Once the irrigating season has been opened, under the terms of Decree No. 3157, there is no surplus or unappropriated water for irrigation.

Respectfully submitted,


Roland D. Westergard
State Engineer

RDW:WJN:jb

Dated This 10th Day

of October, 1969.