

IN THE MATTER OF APPLICATION)
25411 FILED ON JANUARY 5, 1970)
BY MURRY WHIPPLE RANCH TO)
APPROPRIATE WATER FROM HAGGERTY)
LOWER SPRING IN LINCOLN COUNTY)

R U L I N G

GENERAL:

Application 25411 was filed by Murry Whipple Ranch on January 5, 1970, to appropriate 1.0 c.f.s. of water from Haggerty Lower Spring for irrigation and domestic purposes. The proposed point of diversion is within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 11, T. 9 N., R. 63 E., M.D.B.&M. The proposed place of use is 80 acres within the E $\frac{1}{2}$ of the SE $\frac{1}{2}$ of the said Section 11.

Application 25411 was protested on May 1, 1970, by Valley Land and Cattle Company on the grounds that they owned 80 acres of land which depended on Haggerty Lower Spring for irrigation. On May 4, 1970, Valley Land and Cattle Company submitted additional information relating to their protest which states that the waters of Haggerty Lower Spring had been used on the Haggerty Ranch, and that when they purchased their (Valley Land's) land, they assumed there was a valid permit. There are no rights of record for the appropriation of water from Haggerty Lower Spring.

A field investigation was held in the matter of Application 25411 on June 18, 1970. Haggerty Lower Spring is located approximately 100 feet to the north of the bed of Haggerty Creek. Although the source is not directly tributary to Haggerty Creek, there is little doubt that the spring contributes to the flow of Haggerty Creek.

Rights of record for the appropriation of water from Haggerty Creek are as follows:

Certificate 643 issued under Permit 4599 is for the appropriation of 0.12 c.f.s. of water not to exceed 36.0 acre-feet per season of the waters of Haggerty Creek for irrigation purposes. The point of diversion is within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 11, T. 9 N., R. 63 E., and the place of use is 12 acres within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 11. The owner of record of Certificate 643 is Myron Adams. It is to be noted that the place of use under Certificate 643 is within the boundaries of the proposed place of use under Application 25411.

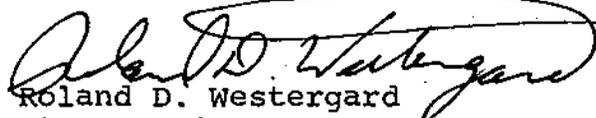
Permit 25322, owned by Murry Whipple Ranch, is for the appropriation of 3.0 c.f.s. of water from Haggerty Creek for irrigation and domestic purposes. The point of diversion is within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 3, T. 9 N., R. 63 E., and it is proposed to irrigate 240 acres of land within Sections 3, 10 and 11 of the said township.

No existing rights will be adversely affected by the granting of a permit under Application 25411.

RULING

The protest to Application 25411 is overruled and a permit will be issued, subject to existing rights, upon payment of the statutory permit fee.

Respectfully submitted,


Roland D. Westergard
State Engineer

RDW:JCP:sdb
Dated this 1st Day

of September, 1970