

IN THE MATTER OF APPLICATION 26224)
TO APPROPRIATE THE WATERS OF MATTIER)
CREEK BY ELDON JACKSON IN WHITE PINE)
COUNTY, NEVADA)

R U L I N G

GENERAL:

Application 26224 was filed on July 21, 1971, by Eldon Jackson to appropriate 5.4 c.f.s. of water from Mattier Creek in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 16, T.21N., R.64E., M.D.B.&M. for irrigation purposes. The place of use is 320 acres in the W $\frac{1}{2}$, Section 7, T.21N., R.64E., M.D.B.&M.

This application was protested on September 17, 1971 by Maude Wilson on the grounds that ". . . the granting of said application would interfere with the customary use of Protestant's existing water rights."

A field investigation in the matter of this application was held on April 12, 1972.

Mattier Creek develops on the western slopes of the Schell Creek Range and flows into Steptoe Valley about 18 miles north of McGill, Nevada.

The only existing right of record on the source in the State Engineer's Office is a claim of vested right under Proof of Appropriation 0778 in the name of Maude Wilson (deceased). This proof claims irrigation of 60 acres near mouth of the canyon from which the stream emanates. The successors in interest to Maude Wilson are presently using water from the stream for this purpose.

The applicants proposed point of diversion is downstream from any usage being made under Proof 0778. There was 0.136 c.f.s. of water (3-3/4 inches over a 90-degree v-notch weir) flowing at the applicants point of diversion on the date of the investigation.

The granting of this application would not tend to impair the value of existing rights.

RULING

The protest to the granting of Application 26224 is herewith overruled. A permit will be granted under Application 26224 subject to existing rights, upon receipt of the statutory filing fees.

Respectfully submitted,


Roland D. Westergard
State Engineer

RDW:BLR:ga

Dated this 3rd day
of May, 1972