

IN THE MATTER OF APPLICATION)
NUMBERS 28389, 28390, 28391,)
28392 AND 28393 TO APPROPRIATE)
WATER FROM JOHNSON CREEK, STEELE)
CREEK AND UNNAMED STREAM NO. 3)
IN ELKO COUNTY, NEVADA)

R U L I N G

GENERAL:

Application Nos. 28389 and 28390 were filed June 10, 1974 by Vernon and Joan Westwood to appropriate water from Johnson Creek, both to be diverted from the same point of diversion within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 3, T.34N., R.62E. Application 28389 proposes to use 3.0 c.f.s. for the irrigation of 640 acres in Section 2, T.34N., R.62E. (see Plat No. 1, green crosshatched area). Application 28390 proposes to divert 1.0 c.f.s. for stockwatering purposes for 300 head of cattle and 100 horses.

Application Nos. 28391 and 28392 were filed June 10, 1974 by Vernon and Joan Westwood to appropriate water from Steele Creek, both to be diverted at the same point of diversion located within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 27, T.35N., R.62E., M.D.B.&M. Application 28391 proposes to use 3.0 c.f.s. for the irrigation of 320 acres within the E $\frac{1}{2}$ Section 27, T.35N., R.62E. (see Plat No. 1, red crosshatched area). Application 28392 proposes to use 1.0 c.f.s. for stockwatering purposes for 300 head of cattle and 100 horses.

Application 28393 was filed June 10, 1974 by Vernon and Joan Westwood to appropriate 3.0 c.f.s. from Unnamed Stream No. 3, to be diverted within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 28, T.35N., R.62E. The water is to be used for irrigation of 440 acres located within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{2}$ Section 28, S $\frac{1}{2}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ Section 27, T.35N., R.62E., M.D.B.&M. (see Plat No. 1, purple shaded area).

Protests to the granting of Applications Nos. 28389, 28390 and 28393 were filed on September 5, 1974 by Blair G. Johns, both protests being on the grounds that "I have a vested water right in Johnson Creek water. I use it for livestock water and irrigation on my BLM range land in the area and on my private land in Sec. 26, T.34N., R.62E., M.D.B.&M. from January 1st to December 31st of each year. Therefore there is no unappropriated water in Johnson Creek".

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Protests to the granting of Application Nos. 28391 and 28392 were filed on September 5, 1974 by Blair G. Johns, both protests being on the grounds that "I have a certified water right and a vested water right in Steele Creek water. I use the water of Steele Creek to water my livestock and for irrigation purposes on my BLM land in the area and on my private land in Sec. 26 and Sec. 31, T.35N., R.62E., M.D.B.&M. from January 1st to December 31st of each year. Therefore there is no unappropriated water. I use the water from January 1st to December 31st of each year".

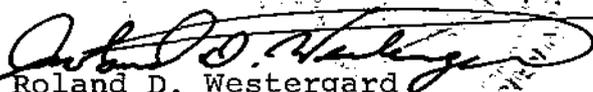
All of the above described protests filed by Blair G. Johns seek denial of the protested applications.

A field investigation into the matter of protested Applications 28389, 28390, 28391, 28392 and 28393 was conducted on November 19, 1974.

RULING:

The protests to Applications 28389, 28390, 28391, 28392 and 28393 are hereby overruled on the grounds that the granting of these applications will not interfere with existing water rights. Permits will be issued under these applications, subject to existing rights, upon receipt of the statutory permit fees.

Respectfully submitted,


Roland D. Westergard
State Engineer

RDW/BAR/lk

Dated this 6th day
of February 1975.