

IN THE MATTER OF APPLICATION 17982)
FILED BY P. P. HOOVER (TRUSTEE) ON)
MAY 11, 1959, TO APPROPRIATE 7.0)
C.F.S. OF WATER FROM LEHMAN CREEK)
FOR POWER AND DOMESTIC PURPOSES IN)
WHITE PINE COUNTY, NEVADA.)

R U L I N G

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GENERAL:

Application 17982 was filed by P. P. Hoover (Trustee) on May 11, 1959, for permission to appropriate 7.0 c.f.s. of water from Lehman Creek for power and domestic purposes. The proposed point of diversion is described as within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 11, T.13N., R.69E., M.D.B.&M. The place of use is described as within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 9, T.13N., R.70E., M.D.B.&M. The applicant proposes to generate 740 horsepower. This application was protested by the School of the Natural Order, Inc. on April 27, 1960 on the grounds that the granting of a permit under this application would interfere with the scenic beauty and with the fish and recreation of the creek in this area.

U.S.G.S. Gaging Stations were installed 4 3/4 miles southwest of Baker, above all diversions on Baker and Lehman Creek. The combined average annual flow of the two creeks between 1948 and 1955, inclusive, was 9,780 acre-feet. The flow of the combined creeks varied from 20,790 acre-feet in 1952 to 4,620 acre-feet in 1954.

The Court has decreed 16,319.10 acre-feet per year to the water users of Baker and Lehman Creeks.

RULING

Application 17982 is herewith denied on the grounds that there is no unappropriated water in Baker and Lehman Creeks and that Baker and Lehman Creeks are fully appropriated. The granting of a permit under Application 17982 would impair the value of existing rights and would be detrimental to the public welfare.

Respectfully submitted,


Roland D. Westergard
State Engineer

RDW:RRD:jw

Dated this 9th day of

May, 1975.