

IN THE MATTER OF APPLICATION )  
28284 FILED BY EDWARD A. MELKA )  
TO APPROPRIATE THE WATERS OF )  
HUNTER CREEK, DIAMOND VALLEY, )  
EUREKA COUNTY, NEVADA. )

R U L I N G

GENERAL:

Application 28284 was filed by Edward A. Melka on April 23, 1974 to appropriate 2.0 c.f.s. of water from Hunter Creek also known as Italian Creek for the irrigation of 160 acres. The point of diversion is located in the NW $\frac{1}{4}$  SE $\frac{1}{4}$  (Tract 37) Section 24, T.20N., R.53E., M.D.B.&M. The place of use is within the W $\frac{1}{2}$  NE $\frac{1}{4}$ , W $\frac{1}{2}$  SE $\frac{1}{4}$  and the E $\frac{1}{2}$  SW $\frac{1}{4}$  Section 24, T.20N., R.53E., M.D.B.&M.

A field investigation in the matter of Application 28284 was held on July 19, 1976. At the investigation it was determined that the protestants or their successors in interest are irrigating approximately 257 acres in the canyon bottom from Hunter Creek. It was also apparent at the investigation that during certain times of the year, particularly the spring runoff period, that some water does flow past the protestants land and reaches the proposed diversion of Edward A. Melka.

RULING:

The protests to the granting of Application 28284 are herewith overruled on the grounds that the granting of a permit will not adversely affect existing rights or be detrimental to the public welfare. A permit will be issued subject to existing rights upon receipt of the permit fees.

Respectfully submitted,

  
Roland D. Westergard  
State Engineer

RDW:BLR:sk

Dated this 2nd day  
of August, 1976.