

IN THE MATTER OF APPLICATIONS)
30251 AND 30252 TO APPROPRIATE)
THE WATERS OF WILLOW CREEK,)
LANDER COUNTY, NEVADA.)

R U L I N G

137B

GENERAL:

Applications 30251 and 30252 were filed on May 11, 1976, in the name of Charles W. and Mary F. Parsons to appropriate the waters of Willow Creek and Tributaries for irrigation and domestic purposes. Application 30251 was filed to appropriate 1.0 c.f.s., the point of diversion being located within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 20, T.19N., R.45E., M.D.B.& M. (unsurveyed), and the place of use being 43.94 acres located within the W $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ of said Section 20. The map filed in support of Application 30251 describes the proposed place of use as H.E.S. No. 199.

Application 30252 was filed to appropriate 3.0 c.f.s., the point of diversion being located within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 27, T.19N., R.45E., M.D.B.& M., (Unsurveyed), and the place of use being 123 acres within portions of the NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 34, and portions of the NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, of Section 35, all in T.19N., R.45E., M.D.B.& M.

Timely protests to the granting of Applications 30251 and 30252 were filed on July 6, 1976, in the name of Grass Valley Ranch, Inc. on the grounds that: "The granting of this application would adversely affect Protestant's rights of waters of Willow Creek." A second protest was filed under Applications 30251 and 30252 on July 14, 1976, in the name of Howard W. and Barbara C. Wolf on the grounds that "The waters of Willow Creek and tributaries have traditionally been used in their entirety by the Willow Creek Ranch and Streshley Ranch. There is no excess water available at any time. Many years the water is inadequate to even start an irrigation for these ranches." Both protests seek denial of the Applications 30251 and 30252.

Application 30251 became ready for action by the State Engineer on August 13, 1976, and Application 30252 became ready for action on July 30, 1976.

A field investigation into the matter of protested Applications 30251 and 30252 was conducted by members of the State Engineer's office on October 18, 1976. This field investigation was also attended by the applicant and by both protestants.

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Records of the State Engineer's office indicate that there are no appropriative water rights on Willow Creek or its tributaries. The only filing of record on this stream system is Proof of Appropriation No. 01558, of record in the name of Paul H. Dory, which claims a vested right in the amount of 1.0 c.f.s. for the irrigation of 200 acres along Willow Creek on what is known as the Willow Creek Ranch. Grass Valley Ranch, Inc., is reportedly successor in interest to the Willow Creek Ranch and Proof No. 01558, although such assignment has never been made of record in the State Engineer's office. Other vested rights may exist in the stream system, including on what is commonly known as the Streshley Ranch and also on the proposed place of use under Applications 30251 and 30252, although Proofs of Appropriation stating such claims have never been filed in the State Engineer's office. The limit and extent of these claims of vested rights, including those under Proof No. 01558 remain undetermined.

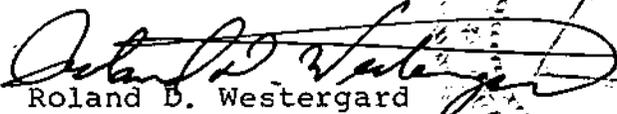
OPINION:

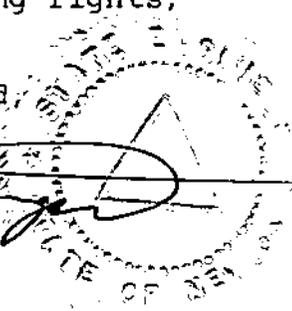
It is the opinion of the State Engineer that the granting of Applications 30251 and 30252 will not interfere with existing rights on Willow Creek and its tributaries.

RULING:

The protests to the granting of Applications 30251 and 30252 are hereby overruled, and a permit will be issued under each application, subject to existing rights, upon receipt of the statutory permit fees.

Respectfully submitted,


Roland D. Westergard
State Engineer



RDW/BAR/bs

Dated this 17th day
of November, 1976.