

IN THE MATTER OF APPLICATION NO. 15701)
FILED BY WILLIAM C. BRUNEL TO APPRO- :
PRIATE THE WATERS OF BUFFALO CREEK IN :
HUMBOLDT COUNTY, NEVADA.)

RULING

Description of Application:

33A Application No. 15701 was filed on June 11, 1954 by William C. Brunel to appropriate 1.0 second foot of the waters of Buffalo Creek for irrigation purposes. The point of diversion is described as being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 36, T. 42 N., R. 37 E., M.D.B.&M., and the place of use in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 3, T. 41 N., R. 37 E., M.D.B.&M. This application was protested on October 4, 1954 by Claude L. Ellison on grounds that it would interfere with the vested right of the Buffalo Ranch.

General:

On April 25, 1955 a field investigation in the matter of this application was conducted by a representative of this office.

Buffalo Creek, which heads on the westerly slope of the Santa Rosa Range and flows into the Quinn River Valley at a point approximately five miles south of Orovada, is diverted on the Buffalo Ranch shortly after it crosses U. S. Highway 95. The stream emerges from a rather narrow canyon into an alluvial fan, and flows down the fan for approximately two miles before it is diverted by the Buffalo Ranch. There is a small spring at the mouth of the canyon that does not flow into the Buffalo Creek channel. The channel from this spring flows in a southerly direction toward the Andorno Ranch, and it is the intention of the applicant to enlarge the channel and use it to carry the waters under Application No. 15701 to said ranch, now owned by Alice Maier and Robert Cudbeck. The distance to both ranches from the mouth of the canyon is approximately the same.

It is the intent of the applicant to appropriate the water that does not reach the Buffalo Ranch. The applicant estimates that when the flow has receded to approximately 1.0 c.f.s. at the point of diversion under Application No. 15701, no waters from Buffalo Creek will reach the Buffalo Ranch.

It was found from the investigation on the ground that the soils in the channel to the Buffalo Ranch, and the soils in the channel to the Andorno Ranch, are similar in character. There was no question in the field engineer's mind that if the stream was turned into the proposed Andorno Ranch channel, that losses in the channel would be equivalent to those in the Buffalo Creek channel.

At the present time the Buffalo Creek Ranch has appropriated all of the waters of Buffalo Creek by claim of vested right under Proofs of Appropriation Nos. 0711 and 02220. These claims have never been adjudicated.

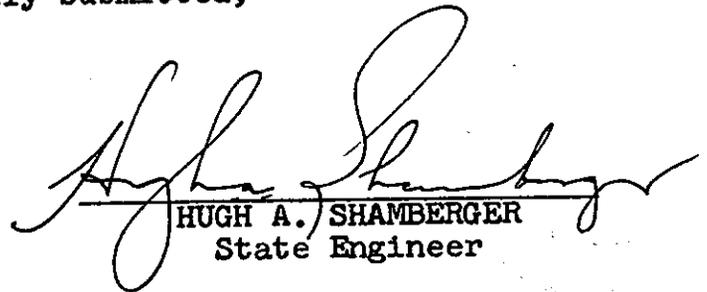


RULING

It is the opinion of this office that the granting of Application No. 15701 would impair the value of existing rights on the Buffalo Creek Ranch, and would be detrimental to the public welfare.

The protest to the granting of Application No. 15701 is herewith sustained, and said application is denied.

Respectfully submitted,


HUGH A. SHAMBERGER
State Engineer

Dated this 31st
day of May, 1956.