

IN THE MATTER OF APPLICATION NO. 17200 FILED BY B. H. ROBISON ON MARCH 8, 1957, TO APPROPRIATE 1.0 c.f.s. OF WATER FROM CHIN CREEK FOR STOCKWATERING PURPOSES IN WHITE PINE COUNTY, NEVADA.

RULING

General:

Application No. 17200 was protested on March 8, 1957, by William Sellas on grounds that the waters applied for are fully appropriated and the granting of the application would be in conflict with a decree of injunction entered in the 7th Judicial District Court of the State of Nevada, in and for the County of White Pine, Case No. 6920.

Field investigations in the matter of this application were made by this office on June 25, 1958, and July 22, 1959.

Findings:

From the field investigations and records in this office, we have made the following findings:

1. Chin Creek is a natural tributary to Goshute Valley and can only be diverted into Antelope Valley by means of man made diversions.

2. All water rights of record on Chin Creek are in the name of the applicant, B. H. Robison.

3. In order to convey water from the proposed point of diversion on Chin Creek within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 24, T. 25 N., R. 68E., M.D.B.&M. to the proposed place of use, a stockwatering reservoir within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 15, T. 24 N. R. 68E., M.D.B.&M., the applicant must divert the water into Antelope Valley.

4. Antelope Valley Wash collects all runoff water in Antelope Valley and conveys it in a southerly direction. Three stockwatering reservoirs intercept the runoff water. The first reservoir to intercept the water is the middle reservoir located within Section 22, T. 25 N., R. 68E., M.D.B.&M., owned by B. H. Robison. The second reservoir is the south reservoir located within Section 3, T. 24 N. R. 68E., M.D.B.&M., owned by B. H. Robison, and the third reservoir which intercepts Antelope Valley Wash flood waters is the sunset reservoir located within Section 28, T. 24 N., R. 68E., M.D.B.&M., owned by William Sellas, who has a valid water right on the reservoir under Certificate No. 1507 issued under Permit No. 6660.

Opinion:

The amended judgment and decree of the 7th Judicial District Court of the State of Nevada, in and for the County of White Pine, Case No. 6920, perpetually enjoined and restrained defendant, Burton H. Robison, from using any of the waters of Antelope Valley Wash and its tributaries under Certificate No. 1507, and from permitting his livestock from using any of said waters.

It is the opinion of this office that Application No. 17200 can be granted without conflict with the amended judgment and decree providing that the Waters of Chin Creek are conveyed through Antelope Valley to the proposed place of use by pipeline and that proper measures are taken to prevent the inflow of any of the runoff water in Antelope Valley into the proposed reservoir.

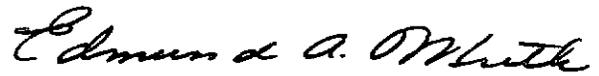
RULING

The protest to the granting of Application No. 17200 is herewith overruled on grounds that its granting will not impair the value of existing rights or be otherwise detrimental to the public welfare. A permit will be issued under Application No. 17200 on receipt of the statutory permit fee subject to the following provisions:

1. The waters of Chin Creek must be conveyed through Antelope Valley to the proposed place of use by pipeline.

2. Any collection works constructed at the proposed place of use must be located off of the Antelope Valley Wash channel and must be constructed with adequate dikes and diversion works to prevent any inflow from Antelope Valley runoff waters.

Respectfully submitted,



EDMUND A. MUTH
State Engineer

Dated this 10th day of
May, 1960.