

**IN THE OFFICE OF THE STATE ENGINEER
OF THE STATE OF NEVADA**

IN THE MATTER OF APPLICATION 10913, 12528,)
17207, 17605 AND 24908 FILED TO APPROPRIATE)
THE PUBLIC WATERS OF KALAMAZOO CREEK)
WITHIN THE SPRING VALLEY HYDROGRAPHIC)
BASIN (184), WHITE PINE COUNTY, NEVADA.)

RULING

#5927

GENERAL

I.

Application 10913 was filed on January 9, 1943, by George Eldridge, later assigned to George Eldridge & Son, Inc., to appropriate 3.0 cubic feet per second (cfs) of water from Kalamazoo Creek. The proposed manner of use is for irrigation and domestic purposes. The proposed point of diversion is described as being located within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 28, T.20N., R.66E., M.D.B.&M. The proposed place of use is described as being located within the SE $\frac{1}{4}$ of Section 22, and the W $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 23, T.20N., R.66E., M.D.B.&M.¹

II.

Application 12528 was filed on July 7, 1948, by B. H. Robison, later assigned to the Southern Nevada Water Authority, to appropriate 12.0 cfs of water from Kalamazoo Creek. The proposed manner of use is for irrigation and domestic purposes. The proposed point of diversion is described as being located within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 34, T.20N., R.66E., M.D.B.&M. The proposed place of use is described as being located within Sections 11, 12, 13 and 14, T.19N., R.66E., M.D.B.&M.²

III.

Application 17207 was filed on March 11, 1957, by Delbert D. Eldridge to appropriate high water and flood water and store 42 acre-feet of water from Kalamazoo Creek. The proposed manner of use is for irrigation purposes. The proposed point of diversion is described as being located within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 23, T.20N., R.66E., M.D.B.&M. The proposed place of use is described as being located within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 13, E $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, of Section 24, T.20N., R.66E., M.D.B.&M., Lot 1 (NW $\frac{1}{4}$ NW $\frac{1}{4}$), Lot 2 (SW $\frac{1}{4}$ NW $\frac{1}{4}$), Lot 3 (NW $\frac{1}{4}$ SW $\frac{1}{4}$), NE $\frac{1}{4}$ SW $\frac{1}{4}$, of Section 19, T.20N., R.67E., M.D.B.&M.³

¹ File No. 10913, official records in the Office of the State Engineer.

² File No. 12528, official records in the Office of the State Engineer.

³ File No. 17207, official records in the Office of the State Engineer.

IV.

Application 17605 was filed on July 10, 1958, by George Eldridge, later assigned to George Eldridge & Son, Inc., to appropriate 10 cfs of water from Kalamazoo Creek. The proposed manner of use is for irrigation purposes. The proposed point of diversion is described as being located within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 28, T.20N., R.66E., M.D.B.&M. The proposed place of use is described as being located within the SE $\frac{1}{4}$ of Section 22, and the W $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 23, T.20N., R.66E., M.D.B.&M.⁴

V.

Application 24908 was filed on February 13, 1969, by B. H. Robison, later assigned to the Southern Nevada Water Authority, to appropriate 10 cfs of water from Kalamazoo Creek. The proposed manner of use is for irrigation purposes and storage of 6,000 acre-feet of water. The proposed point of diversion is described as being located within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 34, T.20N., R.66E., M.D.B.&M. The proposed place of use is described as being located within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$, E $\frac{1}{2}$ of Section 11, NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, of Section 12, NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 13, N $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 14, T.19N., R.66E., M.D.B.&M.⁵

FINDINGS OF FACT

I.

Upon review of the Decree In the Matter of the Determination of the Relative Rights In and To the Waters of Kalamazoo Creek and Its Tributaries in White Pine County, Nevada, Case No. 5436, it was found by judgment and decree that the waters of Kalamazoo Creek and its tributaries are fully appropriated during the irrigation season. The State Engineer finds the source waters are fully appropriated; therefore, there is no water available for appropriation.

CONCLUSIONS

I.

The State Engineer has jurisdiction over the parties and the subject matter of this action and determination.⁶

⁴ File No. 17605, official records in the Office of the State Engineer.

⁵ File No. 24908, official records in the Office of the State Engineer.

⁶ NRS chapter 533.

II.

The State Engineer is prohibited by law from granting an application that requests to appropriate public waters where:⁷

- A. there is no unappropriated water at the proposed source;
- B. the proposed use or change conflicts with existing rights;
- C. the proposed use or change conflicts with protectible interests in existing domestic wells as set forth in NRS § 533.024; or
- D. the proposed use or change threatens to prove detrimental to the public interest.

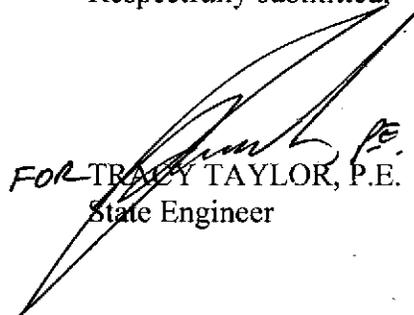
III.

By Judgment and Decree, Kalamazoo Creek and its tributaries are fully appropriated during the irrigation season. The State Engineer concludes there is no unappropriated water to support these applications for irrigation purposes; therefore, the applications are subject to denial.

RULING

Applications 10913, 12528, 17207, 17605 and 24908 are hereby denied on the grounds that there is no unappropriated water at the proposed source and that their approval would conflict with existing rights and would threaten to prove detrimental to the public interest.

Respectfully submitted,



FOR TRACY TAYLOR, P.E.
State Engineer

TT/KMH/jm

Dated this 4th day of
February, 2009.

⁷ NRS § 533.370(5).