

IN THE MATTER OF APPLICATION 17527)
FILED APRIL 11, 1958, BY FRANK McCLEARY)
CATTLE COMPANY TO APPROPRIATE WATER)
FROM COTTONWOOD CREEK AND TRIBUTARIES)
FOR IRRIGATION AND DOMESTIC PURPOSES IN)
HUMBOLDT COUNTY, NEVADA)

R U L I N G

General:

On April 11, 1958, the Frank McCleary Cattle Company filed Application 17527 to appropriate 100 c.f.s. from the Cottonwood Creek and Tributaries for irrigation and domestic purposes; the period of use is from January 1st to December 31st of each year.

Application 17527 was protested by the Bullhead Cattle Company, Rudolph H. Schwartz, William Stock Farming Company, A Corporation, Anna C. Buckingham and Sons and Dwight G. Vedder.

The waters of the Little Humboldt River and Tributaries were decreed in Case #3157 in the Sixth Judicial District Court of the State of Nevada entitled "In the Matter of the Determination of the Relative Rights in and to the Waters of the Little Humboldt River and its Tributaries in Humboldt and Elko Counties." Paragraph 7, page 73 of the printed copy of the decree just referred to is as follows:

"That the waters of the stream system are fully appropriated and that there is no surplus water for irrigation during the irrigation season."

It is the opinion of the State Engineer that the protests of the Bullhead Cattle Company, Rudolph H. Schwartz, William Stock Farming Company, A Corporation, Anna C. Buckingham and Sons and Dwight G. Vedder, should be sustained and that Application 17527 of the Frank McCleary Cattle Company should be denied in conformity with the decree on the grounds that there is no unappropriated water in the Little Humboldt River and Tributaries during the irrigation season.

RULING

Application 17527 is herewith denied on the grounds that there is no unappropriated water in the source during the irrigation season and that the granting, therefore, would impair the value of existing rights and be detrimental to the public welfare.

Respectfully submitted,

ELMO J. DeRICCO
State Engineer

George W. Hennen
By: George W. Hennen
Assistant State Engineer

Dated this 8th day of
May, 1964