

IN THE MATTER OF APPLICATION NO. 11275)
FILED BY E. L. CORD TO APPROPRIATE WATER :
FROM FISH LAKE FOR IRRIGATION PURPOSES IN : RULING
ESMERALDA COUNTY, NEVADA.)

Application No. 11275 was filed on April 28, 1945 by E. L. Cord to appropriate 2.0 c.f.s. of the waters of Fish Lake for irrigation purposes. The point of diversion is to be within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 25, T. 2 S., R. 35 E., M.D.B.&M., and the place of use is 200 acres of land in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ Section 26, and S $\frac{1}{2}$ NE $\frac{1}{4}$ Section 27, T. 2 S., R. 35 E., M.D.M.

Protests to the granting of this application were filed as follows:

August 6, 1945 by Oscar Rudnick and Henry Castro
August 10, 1945 by Mrs. S. R. Kennedy
October 11, 1945 by Peter Fabbi (received too late for
filing as formal protest).

The grounds for all of the protests are similar. The protestants claim a vested right to the use of the waters of Fish Lake by use prior to March 1, 1905.

On June 6, 1949 a field investigation in the matter of this application was made by F. N. Dondero, Deputy State Engineer, and E. J. DeRicco, Field and Office Engineer, of the Office of State Engineer. Said investigation disclosed that approximately 1300 acres of land were being irrigated by Fish Lake and its tributaries. The flow of Fish Lake was measured at 3.4 c.f.s. No attempt was made to measure its tributary springs.

On May 15, 1953 a field investigation in the matter of Applications Nos. 13835 and 13836, filed by Peter Fabbi to appropriate water from Unnamed Springs in Fish Lake Valley, was made by E. J. DeRicco, Field Deputy State Engineer, and D. K. Jewett, Office Engineer.

Said investigation disclosed that the springs in question are tributary to the Fish Lake Stream System. It was also found that a critical shortage of water existed in the Fish Lake stream system, for the irrigation of the existing cultural land being serviced by said stream system.

OPINION

It is the opinion of this office that the waters of Fish Lake and its tributaries are fully appropriated by existing rights initiated prior to March 1, 1905.

RULING

Application No. 11275 is herewith denied on the grounds that the granting thereof would tend to impair the value of existing rights and be detrimental to the public welfare.

Respectfully submitted,

HUGH A. SHAMBERGER
State Engineer

By *Edmund Muth*
EDMUND MUTH
Assistant State Engineer

Dated this 24th day of
February, 1954.