

IN THE MATTER OF APPLICATIONS NOS. 15854
AND 15861 FILED BY LAWRENCE E. AND MYRLE
TRIPP TO APPROPRIATE THE WATERS OF BURKE
CHANNEL AND TRIBUTARIES IN LYON COUNTY,
NEVADA.

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RULING

Description of Application:

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Application No. 15854 was filed November 19, 1954 by Lawrence E. and Myrle Tripp to appropriate 8.0 c.f.s. of the waters of Burke Channel and Tributaries for irrigation and domestic purposes. The point of diversion is to be within the SE $\frac{1}{4}$ SW $\frac{1}{2}$ Sec. 24, T. 12 N., R. 23 E., M.D.M. and the place of use is 123 acres of land within the W $\frac{1}{2}$ of Sec. 24, T. 12 N., R. 23 E., M.D.B.&M. The period of use is from January 1st to December 31st of each year.

Application No. 15861 was filed on November 26, 1954 by Lawrence E. and Myrle Tripp to appropriate 8.0 c.f.s. of the waters of Burke Channel and tributaries for irrigation and domestic purposes. The point of diversion is to be within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 24, T. 12 N., R. 23 E., M.D.B.&M. and the place of use is 160 acres of land within portions of the NW $\frac{1}{4}$ Section 24, T. 12 N., R. 23 E., M.D.B.&M. The period of use is from January 1st to December 31st of each year.

Protests to the granting of these applications were filed on March 10, 1955 by Alex Castaing on grounds that granting them in the amount of 8.0 c.f.s. would deprive him of all the water which he uses on his ranch and has used since the water has been flowing in Burke Channel.

General:

A field investigation in the matter of these applications was made by E. J. DeRicco, Field Deputy State Engineer, on April 4, 1955.

From said investigation it was found that the proposed points of diversion under these applications are located approximately two miles south of the Alkali Lake in Smith Valley.

The proposed point of diversion under Application No. 15854 is near the southern boundary of the Tripp Ranch property. The channel in the vicinity of the point of diversion has a considerable amount of grade and appears to be a natural channel.

The proposed point of diversion under Application No. 15861 is located approximately one-half mile north and down stream from the proposed point of diversion under Application No. 15854. The channel in the vicinity of this point of diversion again appears to be a natural channel and has considerable amount of grade. Due

to the grade of the channel in the vicinity of the proposed points of diversion, properly designed diversion works in the channel would not back up water in sufficient quantities to cause damage to either the applicant or other users on the channel, nor would they interfere with the purpose of Burke Channel which serves as a drain for the Improvement District.

Appropriation of water:

In addition to these applications, the following permits have been issued on the waters of Burke Channel and tributaries:

Permit No. 11918 issued to C. C. Perrin for 4.0 c.f.s. for irrigation and domestic purposes. The point of diversion is within SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 25, T. 12 N., R. 23 E., M.D.B.&M. The place of use is 400 acres of land within portions of Sec. 25 and Sec. 26, T. 12 N., R. 23 E., M.D.B.&M. This permit was issued subject to a ruling of the State Engineer on April 3, 1950.

Permit No. 13877 was issued to C. C. Perrin and Son for 4.0 c.f.s. for irrigation and domestic purposes. The point of diversion is within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 25, T. 12 N., R. 23 E., M.D.B.&M. The place of use is 400 acres of land in portions of Sec. 25 and Sec. 26, T. 12 N., R. 26 E., M.D.M. This permit was issued subject to a ruling of the State Engineer dated December 30, 1953.

Both of these permits are south and upstream from the proposed point of diversion under Applications Nos. 15854 and 15861.

Opinion:

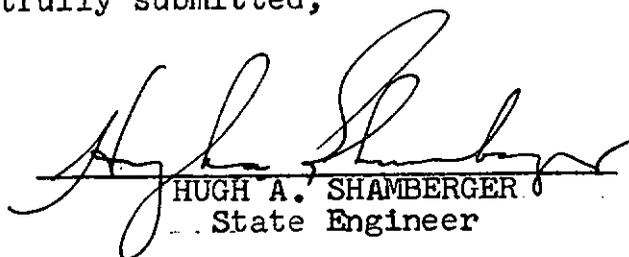
It is the opinion of this office that permits can be issued under these applications without impairing the value of existing rights or being otherwise detrimental to the public welfare. The proposed points of diversion are downstream from existing permits on the source, eliminating the possibility of conflict as far as the priority of diversion is concerned.

RULING

The protests to the granting of Applications Nos. 15854 and 15861 are herewith overruled. Permits will be issued under said applications on receipt of the statutory permit fees. Said permits will be subject to the following provisions:

1. The permits shall be subject to all existing rights.
2. The total duty of water shall not exceed 4 acre-feet per acre of land irrigated.
3. The appropriation shall be predicated on the presence of available water at the point of diversion and will not obligate the Improvement District No. 1 of the Walker River Irrigation District in any way as to the continuance of such flow of water.
4. The permits shall not carry any right-of-way privileges.
5. The works of diversion in the channel shall consist of an open diversion box at least 4 feet in width and not more than 3 feet in height with a flash board control. The bottom of the diversion box shall be on the same level as the stream bed, and the flash boards shall be removed at all times when water is not actually being diverted.

Respectfully submitted,


HUGH A. SHAMBERGER
State Engineer

Dated this 28th day of
June, 1955.