

IN THE MATTER OF APPLICATION NO. 17570)
FILED MAY 21, 1958 BY FRANK T. HARMER)
TO APPROPRIATE THE WATERS OF JONES CREEK)
(AN INTERMITTENT STREAM)

RULING

Description of Application No. 17570:

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This application was filed May 21, 1958 by Frank T. Harmer to appropriate 6.0 c.f.s. of the waters of Jones Creek (an intermittent stream) to be diverted at a point in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 2, T. 17 N., R. 19 E., M.D.B.&M., or at a point from which the West $\frac{1}{4}$ corner of said Section 2 bears S. 21° 45' 30" W., 479.39 feet to irrigate 320 acres of land in the N $\frac{1}{2}$ of Section 2, T. 17 N., R. 19 E., M.D.B.&M., and also for domestic purposes from January 1 to December 31 of each year.

Letter dated August 2, 1958 by Harry C. Callahan, Rt. 1, Box 447, Reno, Nevada to the Nevada State Engineer alleged among other things that the land that is proposed to be irrigated is Forest Service land; that there is no 6.0 c.f.s. of water in Jones Creek, and that the Callahans have used the entire amount of water after it leaves the Crutchfield Ranch ever since the year 1860 and still needs the entire amount due to the scarcity of water in this area.

In connection with the appropriation of water of this particular Jones Creek, our records show that previous applications, being Nos. 13900 and 13901 were filed on November 6, 1951 by John S. Sinai to appropriate certain waters of Jones Creek for irrigation and domestic purposes, and for quasi-municipal and domestic purposes respectively. Protests against the granting of these applications were filed by Mrs. H. T. Crutchfield on the grounds that there is no unappropriated water in this stream; that under Claims Nos. 646 and 646 $\frac{1}{2}$ of the Truckee River Decree the protestant owns all of the waters of Jones Creek, and that the manner in which the water is to be diverted will dry the underground flow to the protestant's well and springs. The protests to the granting of applications Nos. 13900 and 13901 were sustained and the applications were denied January 18, 1955 on

the grounds that Jones Creek is fully appropriated and that the granting of these applications would impair the value of existing rights and would be detrimental to the public welfare.

RULING

In view of the above facts and previous rulings, application No. 17570 is denied on the grounds that there is no unappropriated water in the source.

Respectfully submitted,

Edmund A. Muth

EDMUND A. MUTH
State Engineer.

Dated September 24., 1958

