

IN THE MATTER OF APPLICATION)
20527 FILED TO APPROPRIATE)
WATERS OF MORRIS CREEK IN)
ESMERALDA COUNTY, NEVADA.)

R U L I N G

Application 20527 was filed on June 19, 1962 by Charley H. Smith to appropriate 3.0 c.f.s. from Morris Creek for irrigation purposes. The application was protested on October 22, 1962 by Charles R. Pedro. A reply to the protest was filed on August 30, 1963 by John W. Diehl, Attorney for the applicant.

An investigation in the matter of this application was made on August 7, 1963 by personnel of the Division of Water Resources. At the time of the investigation, water was being used to irrigate shade trees for domestic purposes in a house and for the irrigation of a small orchard on the Pedro property.

In a letter of September 10, 1963, a request for information regarding the limit and extent of a water right recognized by the State of California on the Pedro Ranch was forwarded to the California State Water Rights Board. In a reply of September 20, 1963 the Executive Officer of this Board advised that there was no information in their files regarding the diversion of water from Morris Creek for use on the Charles Pedro Ranch in Section 16, T. 1 S., R. 32 E., M.D.B. & M. Their reply also included the following: "It is possible that this diversion and use is being made under a claim of an old appropriative right or a riparian right, neither of which is of record in this office."

After due consideration of the protest against the application and the reply to the protest the following ruling is entered:

RULING

The protest against Application 20527 is overruled on the grounds that the protestant has no prior right of record to appropriate waters of Morris Creek in either California or Nevada and that the limit and extent of any right that may be established under an appropriative, riparian or

vested claim have not been determined. On receipt of the permit fee a permit will be issued under Application 20527 subject to all existing rights on the source.

Respectfully submitted,

Roland D. Westergaard
Roland D. Westergaard
Assistant State Engineer

Dated this 9th day
of December, 1965.

RDW:ns