

IN THE MATTER OF APPLICATION 3710)
FILED BY THE GOLCONDA CATTLE CO.)
TO APPROPRIATE WATER FROM DANCER'S)
CREEK IN HUMBOLDT COUNTY, NEVADA.)

R U L I N G

GENERAL:

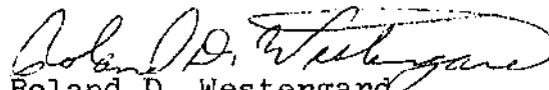
Application 3710 was filed on November 22, 1915 by the Golconda Cattle Company to appropriate 1.6 cfs of water from Dancer's Creek for irrigation (160 acres) and domestic purposes. The point of diversion is described as within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 6, T. 34 N., R. 40 E., M.D.B.&M. The place of use is described as within the N $\frac{1}{2}$ SW $\frac{1}{4}$ and S $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 6, T. 34 N., R. 40 E., M.D.B.&M. Irrigation will begin March 15th and end October 1st of each year. Protest to the granting of Application 3710 was filed on December 28, 1915 by John G. Taylor and J. Sheehan. The source is tributary to Rock Creek.

The Bartlett Decree, Humboldt River Adjudication, Page 89 states "Pole and Rock Creeks are small streams of variable flow and the culture area and the character of the culture varies. Claimants Taylor and Sheehan and their predecessors have at all times used the entire flow of said streams reaching their points of diversion, increasing and decreasing the amount of culture area and changing the character thereof to adapt themselves to the amount of the flow. The claimants are entitled to the entire flow of said streams reaching their points of diversion for irrigation of the land specified".

RULING

Application 3710 is herewith denied on the grounds that there is no water subject to appropriation from the source.

Respectfully submitted,


Roland D. Westergard
State Engineer

RDW:WJN:jb

Dated This 20th Day

of January, 1969.