

IN THE MATTER OF APPLICATION 10283 )  
FILED BY THE UNITED STATES OF AMERICA )  
TO APPROPRIATE WATER FROM THE HUMBOLDT )  
RIVER IN PERSHING COUNTY, NEVADA. )

R U L I N G

GENERAL:

72- Application 10283 was filed on August 13, 1938 by United States of America, Department of Interior, Bureau of Reclamation to appropriate 100,000 acre-feet or 5,000 c.f.s. of the waters of the Humboldt River to be diverted and stored in Rye Patch Dam located within the NE $\frac{1}{4}$  Section 18, T. 30 N., R. 33 E., waters to be used for domestic and irrigation of 49,280 acres within the following described area:

IN TOWNSHIP 28 NORTH, RANGE 32 EAST

NE $\frac{1}{4}$ ; E $\frac{1}{2}$  NW $\frac{1}{4}$ ; NE $\frac{1}{4}$  SW $\frac{1}{4}$ ;  
NW $\frac{1}{4}$  SE $\frac{1}{4}$  Section 28

IN TOWNSHIP 27 NORTH, RANGE 32 EAST

All West of Humboldt River in  
Sections 6, 7 and 18.

IN TOWNSHIP 27 NORTH, RANGE 31 EAST

All of Sections 1, 2, 3, 10, 11, 12,  
13, 14, 15 and 16.

S $\frac{1}{2}$ SE $\frac{1}{4}$  Section 20

All of Sections 21 and 22.  
All West of Humboldt River in Section 23.  
All outside of Lovelock city limits in Sections 26 and 27.  
All of Sections 28, 29, 32, 33, 34, 35 and 36.

IN TOWNSHIP 26 NORTH, RANGE 32 EAST

All South and West of  
Humboldt River Section 6  
All Section 7

All West of Humboldt River in  
Sections 8 and 17.  
All of Sections 18 and 19.  
All West of Humboldt River in  
Section 20.  
All North and West of Humboldt River  
in Sections 29, 30 and 31.

IN TOWNSHIP 26 NORTH, RANGE 31 EAST

All South and West of Humboldt  
River in Section 1.  
All of Sections 2, 3, 4, 5, 10, 11,  
12, 13, 14, 15 and 16.  
S $\frac{1}{2}$  Section 20.  
All in Sections 21, 22, 23, 24, 25,  
26, 27, 28 and 29.  
E $\frac{1}{2}$  Section 30  
E $\frac{1}{2}$ ; SW $\frac{1}{4}$  Section 31  
All of Sections 32, 33, 34, 35 and  
36..

IN TOWNSHIP 25 NORTH, RANGE 31 EAST

All North and West of Levee in  
Sections 1 and 2.  
All of Sections 3, 4, 5, 6, 7, 8  
and 9.  
All North and West of Levee in  
Sections 10, 11, 15, 16 and 20.  
All in Sections 17, 18, 19.  
All North and West of Levee in  
Section 21.  
W $\frac{1}{2}$  Section 29  
All Section 30

IN TOWNSHIP 25 NORTH, RANGE 30 EAST

All of Sections 1, 12, 13, 24 and  
25.

The use is to begin on January 1st and end on December 31st of each year.

This application was protested on January 9, 1939 by Harry W., Howard E. and Clarence E. Sommer and E. J. Kewley on the following grounds:

1. "There is no water available for appropriation in the Humboldt River as it is already over-appropriated.
2. That under the laws of the State of Nevada, there are two kinds of appropriated water -- First, irrigation to be used between March 15 and September 15 in each year and that for storage to be stored between September 15 and March 15 of each year.
3. That if the applicant be permitted an all year use of the water for irrigation purposes, it will irreparably injure the protestant, who is the last appropriator from the Humboldt River."

The existing storage rights for a portion of the lands covered by this application are both decreed and permitted rights. Page 63 of the Bartlett Decree describes reservoir storage for 400 acre feet with a priority of 1900 and reservoir storage for 4,400 acre-feet with a 1922 priority. In addition, there is 29,770 acre-feet of permitted right which allows storage in the Pitt-Taylor reservoirs and 100,000 acre-feet of permitted storage right in Rye Patch Dam. Records of Humboldt River stream flow indicate that at times there is water available for appropriation.

49,770  
see  
letter  
of  
RDW  
dated  
3 June 69  
IN  
10283

#### RULING

The protest to the granting of Application 10283 is hereby overruled on the grounds that there is unappropriated water in the source and that the granting of the application will not impair the value of existing rights or be otherwise detrimental to the public welfare.

A permit will be granted under Application 10283 subject to all existing rights and limited to an annual diversion to storage in the reservoir under all storage rights of 4 acre-feet per acre of land to be supplied.

Respectfully submitted,

  
Roland D. Westergard  
State Engineer

RDW:m

Dated this 18th day of June, 1969.