

IN THE MATTER OF APPLICATIONS)
24970 AND 24971 TO DIVERT)
WATER FROM INDIAN AND COTTONWOOD)
CREEKS IN HUMBOLDT COUNTY, NEVADA)

R U L I N G

GENERAL:

109 Application 24970 was filed by Pasquale-Richards Ranch to divert 8.0 c.f.s from Indian Creek for irrigation purposes. The point of diversion was to be SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 25, T. 43 N., R. 39 E., M.D.B.&M. and the place of use is portions of NW $\frac{1}{4}$ Section 1, all of Section 13 and the E $\frac{1}{2}$ E $\frac{1}{2}$ Section 14, T. 42 N., R. 39 E., M.D.B.&M. The period of use is to be from October 1st to April 1st of the following year.

A protest to the granting of a permit under the above application was filed August 18, 1969 by N. B. Ranches, Inc.

Application 24971 was filed by Pasquale-Richards Ranch to divert 3.0 c.f.s. from Cottonwood Creek for irrigation purposes. The point of diversion was to be SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 36, T. 43 N., R. 39 E. and the place of use is Sections 1, 13 and 14, T. 42 N., R. 39 E., M.D.B.&M. The period of use is to be from October 1st to April 1st of the following year.

Protests to the granting of a permit under the above application were filed June 10, 1969 by Nevada Garvey Ranches, Inc., and on June 25, 1969 by C. A. Recanzone.

The waters of Indian and Cottonwood Creeks are tributary to the Little Humboldt River, and the decreed rights to these waters are included in Decree No. 3157, In the Matter of the Determination of the Relative Rights in and to the Waters of the Little Humboldt River and its Tributaries in Humboldt and Elko Counties. The decree provides in part, "That the waters of the stream system are fully appropriated and that there is no surplus water for irrigation during the irrigating season." "That the State Engineer shall have the right, power and authority to direct that said irrigating season shall begin earlier or later, because of the changes in climatic conditions and because of fluctuation in and to the waters of the stream system, giving due regard to the early run-off---."

RULING

Applications 24970 and 24971 are hereby denied on the grounds that any time that waters of the Little Humboldt River or its tributaries are to be available and used for irrigation, the State Engineer has the authority to open the irrigating season. Once the irrigating season has been opened, under the terms of Decree No. 3157, there is no surplus or unappropriated water for irrigation.

Respectfully submitted,


Roland D. Westergard
State Engineer

RDW:KAR;jls

Dated this 13th day

of October, 1969.