

IN THE MATTER OF APPLICATION)
24990 TO DIVERT WATER FROM)
COTTONWOOD CREEK, IN HUMBOLDT)
COUNTY, NEVADA)

R U L I N G

GENERAL:

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Application 24990 was filed by Frederick Charles and Frederick Emil Buckingham to divert 6.5 c.f.s. from Cottonwood Creek for irrigation purposes. The point of diversion was to be SW $\frac{1}{2}$ SW $\frac{1}{2}$ Section 24, T. 42 N., R. 39 E., M.D.B.&M. and the place of use is SE $\frac{1}{2}$; S $\frac{1}{2}$ NE $\frac{1}{2}$; NE $\frac{1}{2}$ NE $\frac{1}{2}$; SE $\frac{1}{2}$ NW $\frac{1}{2}$; NW $\frac{1}{2}$ SW $\frac{1}{2}$ Section 25, T. 42 N., R. 39 E., M.D.B.&M., W $\frac{1}{2}$ SW $\frac{1}{2}$; SW $\frac{1}{2}$ NW $\frac{1}{2}$ Section 30, NW $\frac{1}{2}$ Section 31, all in T. 42 N., R. 40 E., M.D.B.&M. The period of use is to be from January 1st to April 1st

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

The waters of Cottonwood Creek 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

Application 24990 is 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:jls

Dated this 13th day

of October, 1969.