

IN THE MATTER OF APPLICATION NO. 15317  
FILED BY BERNICE ELAINE KINCAID TO APPROPRIATE THE WATERS OF WILLOW CREEK IN NYE COUNTY, NEVADA FOR IRRIGATION AND DOMESTIC PURPOSES.

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RULING

Application No. 15317 was filed by Bernice Elaine Kincaid on September 24, 1953 to appropriate 1.0 c.f.s. of the waters of Willow Creek for irrigation and domestic purposes. The proposed point of diversion is to be in the SW $\frac{1}{4}$  SW $\frac{1}{4}$  Section 24, T. 14 N., R. 51 E., M.D.B.&M. and the place of use is approximately 80 acres of land in portions of Sections 19 and 24, T. 14 N., R. 52 E., M.D.M.

A protest to the granting of this application was filed on March 19, 1954 by Bertrand Arambel and Pete Etcheverry.

GENERAL

The waters of Willow Creek were applied for by the applicant on February 23, 1950 under Application No. 13274. The amount of water applied for, point of diversion, manner and place of use under Application No. 13274 are identical to those described under Application No. 15317.

Application No. 13274 was protested by Bertrand Arambel and Pete Etcheverry on May 19, 1950.

On January 26, 1951 a ruling was issued by this office in the matter of Application No. 13274. In said ruling the State Engineer was of the opinion that there is no unappropriated water in Willow Creek for irrigation purposes, and that Protestants Arambel and Etcheverry and their predecessors in interest have continuously used the waters of Willow Creek from prior to 1905 to the present time. Application No. 13274 was denied on grounds that its granting

would impair the value of existing rights and be detrimental to the public welfare.

RULING

In view of our previous findings in the matter of the waters of Willow Creek, the protest to the granting of Application No. 15317 is herewith sustained and said application is denied on grounds that the granting thereof would impair the value of existing rights and be detrimental to the public welfare.

Respectfully submitted,

HUGH A. SHAMBERGER  
State Engineer

By *Edmund Muth*

EDMUND MUTH  
Assistant State Engineer

Dated this 13th day  
of April, 1954.