

IN THE MATTER OF APPLICATIONS )  
26658, 26659, 26706, 26707, )  
AND 26708 FILED BY LAVERNE D. AND )  
EUNICE M. MACHACEK TO APPROPRIATE )  
WATER FROM MINOLETTI, HILDEBRAND, )  
TORRE, PRESTON, AND COTTONWOOD CREEKS )  
IN EUREKA COUNTY, NEVADA. )

R U L I N G

GENERAL:

Application 26658 was filed on April 10, 1972, by LaVerne D. Machacek and Eunice M. Machacek to appropriate 9.4 c.f.s. of water from Hildebrand Creek in the SW $\frac{1}{4}$ SE $\frac{1}{4}$  Section 8, T.20N.,R.54E., M.D.B.&M. The water is to be used for irrigation purposes on 600 acres in Lots 9, 10, 11, and 12 Section 1, T.20N.,R.53E., SW $\frac{1}{4}$ , N $\frac{1}{2}$ N $\frac{1}{2}$  and Lots 1, 2, 3 and 4 Sec. 36, T.21N.,R.53E., M.D.B.&M. The period of use is January 1st to December 31st of each year.

Application 26659 was filed on April 10, 1972, by LaVerne D. Machacek and Eunice M. Machacek to appropriate 9.4 c.f.s. of water from Torre Creek in the SW $\frac{1}{4}$ SW $\frac{1}{4}$  Sec.17, T.20N.,R.54E., M.D.B.&M. The manner, place and period of use is the same as Application 26658.

Application 26706 was filed on May 8, 1972, by LaVerne D. Machacek and Eunice M. Machacek to appropriate 5.4 c.f.s. of water from Minoletti Creek in the SE $\frac{1}{4}$ NE $\frac{1}{4}$  Sec. 32, T.21N., R.54E., M.D.B.&M. The water is to be used for irrigation purposes on 320 acres in the N $\frac{1}{2}$  Sec. 36, T.21N.,R.53E., M.D.B.&M. The period of use is January 1st to December 31st of each year.

Application 26707 was filed on May 8, 1972, by LaVerne D. and Eunice M. Machacek to appropriate 9.4 c.f.s. of water from Preston Creek in the NE $\frac{1}{4}$ NE $\frac{1}{4}$  Sec. 5, T.20N.,R.54E., M.D.B.&M. The manner, place, and period of use is the same as Application 26658.

Application 26708 was filed on May 8, 1972, by LaVerne D. and Eunice M. Machacek to appropriate 9.4 c.f.s. of water from Cottonwood Creek in the NE $\frac{1}{4}$ NE $\frac{1}{4}$  Sec. 6, T.20N., R.54E., M.D.B.&M. The manner, place, and period of use is the same as Application 26658.

Protests to the granting of Applications 26658, 26659, 26706, 26707. and 26708 were filed on August 28, 1972, by the Labarry and Labarry Co. The grounds for the protests were that the granting of the application would impair and conflict with existing rights, that it would be against public policy and contrary to statutes, and that it would interfere with the customary use of the protestants grazing areas and existing water rights.

A field investigation in the matter of these applications was made on November 15, 1972.

OPINION:

It is our opinion that the waters sought to be appropriated under Applications 26658, 26659, 26706, 26707, and 26708 are surplus waters and that the granting of these applications will not impair existing rights and will not be otherwise detrimental to the public welfare.

RULING

The protests of Applications 26658, 26659, 26706, 26707, and 26708 are herewith overruled and permits will be issued under these applications subject to existing rights upon receipt of statutory permit fees.

Respectfully submitted,

  
Roland D. Westergard  
State Engineer

RDW:BAR:jw

Dated this 22nd day of

December, 1972.