

IN THE MATTER OF APPLICATION 35703, 35958,
AND 35959 FILED BY IMPERIAL FARMS LAND AND
CATTLE COMPANY, INC., FOR PERMISSION TO
APPROPRIATE WATER FROM BROWN SPRING, BROWN
SPRINGS PIPELINE RESERVOIR, AND BROWN SPRINGS
NORTH, RESPECTIVELY IN LINCOLN COUNTY, NEVADA)

R U L I N G

GENERAL

Application 35703 was filed on August 7, 1978, by Imperial Farms Land and Cattle Company for permission to appropriate 0.25 c.f.s. of water from Brown Spring for stock watering and domestic purposes. The point of diversion is within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 22, T.5N., R.67E., M.D.B. & M., and the place of use is Section 22, T.5N., R.22E., M.D.B. & M.

Application 35958 was filed on October 3, 1978, by Imperial Farms Land and Cattle Company for permission to appropriate 0.25 c.f.s. of water from Brown Springs Pipeline Reservoir for stock watering purposes. The point of diversion is located within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 22, T.5N., R.66E., M.D.B. & M., and the place of use is the same subdivision in which the point of diversion is located.

Application 35959 was filed on October 3, 1978, by Imperial Farms Land and Cattle Company for permission to appropriate 0.25 c.f.s. of water from Brown Springs North for stock watering and domestic purposes. The point of diversion is within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 15, T.5N., R.67E., M.D.B. & M. The place of use is the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 15, T.5N., R.67E., M.D.B. & M.

Each of these applications was ready for action on February 2, 1979.

There were no protests filed against the granting of Applications 35703, 35958, and 35959 within the statutory period for filing such protests. Protests to each of the applications were submitted to this office by McCrosky Brothers, Inc., on February 5, 1979, together with the required filing fees of \$10. Since the protests were received after the date in which such protests could be officially filed, the protests were returned to the protestant, and the filing fees refunded to the protestant. However, the protestant was informed that the protests would be considered before final action was taken on Applications 35703, 35958, and 35959. The grounds of the protests are identical for each application as follows: "Water is being used on patented land for agriculture purposes for which protestant is 5/16 owner of land."

There are no rights of record for the appropriation of water from the sources described in Applications 35703, 35958, and 35959.

DISCUSSION

A field investigation of Applications 35703, 35958, and 35959 was held on October 19, 1979. Present were: Larry Reynolds, Branch Manager, Las Vegas Office, Division of Water Resources; Fred Jenkins, President, Imperial Farms Land and Cattle Co., and Bob Steward, in behalf of Imperial Farms Land and Cattle Co., Protestant, McCrosky Brothers, Inc., was not represented, although they had received official notice of the investigation.

The field investigation established that the water proposed to be appropriated from the sources described in Applications 35703, 35958, and 35959 were currently being used for stock watering purposes and not being used for irrigation purposes; that there is no evidence of the water having been used for irrigation purposes; and that at least for the past 71 years the water had been used for stockwatering purposes with the exception that it had been used occasionally for the irrigation of a small garden from time to time when persons were resident on the property.

It was also claimed by Mr. Jenkins of Imperial Farms Land and Cattle Co. that Imperial was the owner of a 3/16 interest of the patented land on which it was claimed by the protestant that the waters sought to be appropriated were being used for irrigation purposes.

In addition, Mr. Jenkins stated that Applications 35703, 35958, and 35959 were filed to record and protect the existing use of the subject waters.

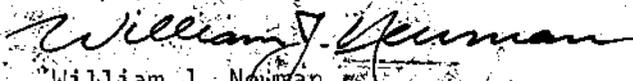
OPINION

The State Engineer is required by law to approve applications which contemplate the application of water to beneficial use, where the proposed use does not tend to impair the value of existing rights, and where the proposed appropriation would not be otherwise detrimental to the public welfare. It is the opinion of the State Engineer that the appropriations proposed in Applications 35703, 35958, and 35959 satisfy these conditions, and that the applications should be approved.

RULING

Applications 35703, 35958, and 35959 are hereby approved, and permits will be issued.

Respectfully submitted,


William J. Newman
State Engineer

WJN/JCP/ja

Dated this 19th day

of FEBRUARY 1980.