

IN THE MATTER OF APPLICATION 18597)
FILED ON FEBRUARY 22, 1960, BY FORREST)
L. PARMENTER TO APPROPRIATE THE WATERS)
OF PIUTE CREEK AND TRIBUTARIES FOR)
MILLING AND DOMESTIC PURPOSES IN WASHOE)
COUNTY, NEVADA.)

R U L I N G

General:

A protest to the granting of this application was filed on April 6, 1960, by W. Dalton LaRue, Sr., and Juanita S. LaRue on the grounds that its granting would impair vested stock watering rights.

A protest to the granting of this application was also filed on April 29, 1960, by North American Aviation, Inc., on the grounds that its granting would impair existing rights.

Existing Rights

Proof 02489 was filed August 24, 1961, by W. Dalton LaRue, Sr., and Juanita S. LaRue, claiming a vested water right with a priority 1896 for the watering of 700 cattle and 200 horses along the channel of Piute Creek within Section 14, 15, 16, 17, and 18, T. 22 N., R. 22 E., M.D.B.&M., and Section 16, T. 22 N., R. 21 E.

Certificate 506 was issued under Permit 3971 for 0.0948 c.f.s. of the waters of Piute Creek diverted within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 17, T. 22 N., R. 22 E., and used for the irrigation of 21.53 acres within the N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 18, T. 22 N., R. 22 E., and for Domestic purposes. This right is presently owned by North American Aviation, Inc.

Certificate 1600 was issued under Permit 6627 for 0.2153 c.f.s. of the waters of Piute Creek diverted within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 17, T. 22 N., R. 22 E., and used for the irrigation of 21.53 acres within the N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 18, T. 22 N., R. 22 E., and for Domestic purposes. This right is presently owned by North American Aviation, Inc.

A field investigation in the matter of this application was made on July 9, 1962.

The proposed point of diversion is to be located within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 16, T. 22 N., R. 22 E. Diversion is to be made by means of a small earth dam and conveyed by pipelines to a Mill and then returned to the stream channel approximately 600 feet below the diversion.

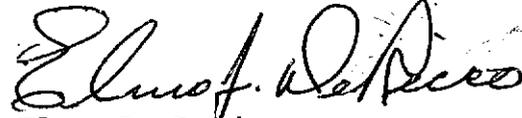
The proposed diversion and return of water to the stream are located approximately 3/4 mile upstream from the North American Aviation, Inc., diversion and if the water is returned uncontaminated and undiminished, it will not impair the value of their existing rights.

Since the length of the proposed conduit is only approximately 600 feet and is located in an unfenced canyon area containing several miles of open stream channel, the vested stock watering rights claimed by W. Dalton LaRue, Sr., and Juanita S. LaRue will not be impaired.

RULING

The protests to the granting of Application 18597 are herewith overruled on grounds that its granting will not impair the value of existing rights or be otherwise detrimental to the public welfare. A permit will be granted upon receipt of statutory permit fee, subject to existing rights and further subject to the stipulation that the water must be returned to the stream channel uncontaminated in quality and undiminished in quantity.

Respectfully submitted,



Elmo J. DeRicco
State Engineer

Dated this 11th day of
January, 1963.