

IN THE MATTER OF APPLICATION 17526 FILED )  
APRIL 11, 1958, BY FRANK McCLEARY CATTLE )  
COMPANY TO APPROPRIATE WATER FROM MARTIN )  
CREEK AND TRIBUTARIES FOR IRRIGATION AND )  
DOMESTIC PURPOSES IN HUMBOLDT COUNTY, )  
NEVADA )

R U L I N G 761

On April 11, 1958, the Frank McCleary Cattle Company filed Application 17526 to appropriate 200 c.f.s. from Martin Creek and Tributaries for irrigation and domestic purposes; the period of use is from January 1st to December 31st each year.

69 Application 17526 was protested by the Bullhead Cattle Company, Quarter Circle Y Ranch, G. Cerri, Dwight G. Vedder and William Stock Farming Company, A Corporation.

The waters of the Little Humboldt River and Tributaries were decreed in Case #3157 in the Sixth Judicial District Court of the State of Nevada entitled "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." Paragraph 7, page 73 of the printed copy of the decree just referred to is as follows:

"That the waters of the stream system are fully appropriated and that there is no surplus water for irrigation during the irrigation season."

It is the opinion of the State Engineer that the protests of Bullhead Cattle Company, Quarter Circle Y Ranch, G. Cerri, Dwight G. Vedder and William Stock Farming Company, A Corporation should be sustained and that Application 17526 of the Frank McCleary Cattle Company should be denied in conformity with the decree on the grounds that there is no unappropriated water in the Little Humboldt River and Tributaries during the irrigation season.

RULING

Application 17526 is herewith denied on the grounds that there is no unappropriated water in the source during the irrigation season, and that the granting, therefore, would impair the value of existing rights and be detrimental to the public welfare.

Respectfully submitted,

ELMO J. DeRICCO  
State Engineer



By: George W. Hennen  
Assistant State Engineer

Dated this 8th day of  
May, 1964