

IN THE MATTER OF APPLICATION 13322 FILED BY HENRY McCLEARY TIMBER COMPANY ON MARCH 17, 1950 TO APPROPRIATE ONE HUNDRED AND FIFTY (150) CUBIC FEET PER SECOND OF THE WATERS OF THE LITTLE HUMBOLDT RIVER AND TRIBUTARIES BETWEEN JANUARY 1ST AND DECEMBER 31ST OF EACH YEAR. THIS APPLICATION WAS PROTESTED ON JULY 7, 1950 BY ELMER CATHCART, E. W. GONDRA AND FRED B. STEWART, et al, AND ON JULY 22, 1950 BY THE BULLHEAD CATTLE COMPANY.

RULING

The waters of the Little Humboldt River and tributaries were decreed in Case No. 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:

quote

"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 Elmer Cathcart, E. W. Gondra, Fred B. Stewart, et al, and the Bullhead Cattle Company should be sustained and that Application 13322 of the Henry McCleary Timber 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.

RULING

Application 13322 filed March 17, 1950 by the Henry McCleary Timber Company for the waters of the Little Humboldt River and tributaries is denied on the grounds that there is no unappropriated water in the source.

Respectfully submitted,

*Alfred Merritt Smith*  
 ALFRED MERRITT SMITH  
 State Engineer

January 23, 1951.