

IN THE MATTER OF APPLICATIONS )  
24960, 24961, 24962, 24963, )  
24964, AND 24965, TO DIVERT )  
WATER FROM MARTIN CREEK AND )  
COTTONWOOD CREEK IN HUMBOLDT )  
COUNTY, NEVADA. )

R U L I N G

GENERAL:

69 Application 24960 was filed by The William Stock Farming Company to divert 0.50 c.f.s. from Martin Creek for irrigation purposes. The point of diversion was to be NW $\frac{1}{4}$ SE $\frac{1}{4}$  Sec. 31, T.41N., R.40E., M.D.B.&M., and the place of use is SW $\frac{1}{4}$  Sec. 31, T.41N., R.40E., M.D.B.&M. The period of use is to be from January 1st to April 1st.

A protest to the granting of a permit under the above application was filed June 10, 1969, by Nevada Garvey Ranches, Inc.

Application 24961 was filed by The William Stock Farming Company to divert 4.0 c.f.s. from Martin Creek for irrigation purposes. The point of diversion was to be SE $\frac{1}{4}$ SE $\frac{1}{4}$  Sec. 30, T.41N., R.40E., M.D.B.&M., and the place of use is E $\frac{1}{2}$  Sec. 31, W $\frac{1}{2}$  Sec. 32, T.41N., R.40E., and W $\frac{1}{2}$  Sec. 5, E $\frac{1}{2}$  Sec. 6, T.40N., R.40E., M.D.B.&M. The period of use is to be from January 1st to April 1st.

A protest to the granting of a permit under the above application was filed June 10, 1969, by Nevada Garvey Ranches, Inc.

Application 24962 was filed by The William Stock Farming Company to divert 3.0 c.f.s. from Cottonwood Creek for irrigation purposes. The point of diversion was to be NW $\frac{1}{4}$ NE $\frac{1}{4}$  Sec. 18, T.41N., R.40E., M.D.B.&M., and the place of use is W $\frac{1}{2}$  Sec. 18; W $\frac{1}{2}$ , W $\frac{1}{2}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$  Sec. 19, T.41N., R.40E., M.D.B.&M. The period of use is to be from January 1st to April 1st.

Protests to the granting of a permit under the above application were filed June 10, and June 25, 1969, by Nevada Garvey Ranches, Inc., and C. A. Recanzone, respectively.

Application 24963 was filed by The William Stock Farming Company to divert 3.0 c.f.s. from Martin Creek for irrigation purposes. The point of diversion was to be NE $\frac{1}{4}$ NE $\frac{1}{4}$  Sec. 8, T.41N., R.40E., M.D.B.&M., and the place of use is S $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$  Sec. 8; E $\frac{1}{2}$  NW $\frac{1}{4}$ , W $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ , E $\frac{1}{2}$  SW $\frac{1}{4}$  Sec. 17; E $\frac{1}{2}$  Sec. 20, T.41N., R.40E., M.D.B.&M. The period of use is to be from January 1st to April 1st.

A protest to the granting of a permit under the above application was filed June 10, 1969, by Nevada Garvey Ranches, Inc.

Application 24964 was filed by The William Stock Farming Company to divert 14.0 c.f.s. from Martin Creek for irrigation purposes. The point of diversion was to be SW $\frac{1}{4}$ SW $\frac{1}{4}$  Sec. 22, T.42N., R.40E., M.D.B.&M., and the place of use is E $\frac{1}{2}$  Sec. 3; Sec. 4; E $\frac{1}{2}$  Sec. 5; N $\frac{1}{2}$ , SE $\frac{1}{4}$  Sec. 9; NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$  Sec. 10, T.41N., R.40E. SW $\frac{1}{4}$  Sec. 27; SE $\frac{1}{4}$  Sec. 28; Sec. 33; W $\frac{1}{2}$  Sec. 34, T.42N., R.40E., M.D.B.&M. The period of use is to be from January 1st to April 1st.

A protest to the granting of a permit under the above application was filed June 10, 1969, by Nevada Garvey Ranches, Inc.

Application 24965 was filed by The William Stock Farming Company to divert 2.0 c.f.s. from Martin Creek for irrigation purposes. The point of diversion was to be SW $\frac{1}{4}$ SW $\frac{1}{4}$  Sec. 17, T.41N., R.40E., M.D.B.&M., and the place of use is S $\frac{1}{2}$ SW $\frac{1}{4}$  Sec. 17; E $\frac{1}{2}$ NE $\frac{1}{4}$ ; E $\frac{1}{2}$ SE $\frac{1}{4}$  Sec. 19; W $\frac{1}{2}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$  Sec. 20, T.41N., R.40E., M.D.B.&M.

A protest to the granting of a permit under the above application was filed June 10, 1969, by Nevada Garvey Ranches, Inc.

The waters of Martin Creek and Cottonwood Creek are tributary to the Little Humboldt River, and the decreed rights to these waters are included in Decree No. 3157, 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. The decree provides in part, "That the waters of the stream system are fully appropriated and that there is no surplus water for irrigation during the irrigating season." "\*\*\*\* that the State Engineer shall have the right, power and authority to direct that said irrigating season shall begin earlier or later, because of the changes in climatic conditions and because of fluctuation in and to the waters of the stream system, giving due regard to the early run-off\*\*\*."

#### RULING

Applications 24960, 24961, 24962, 24963, 24964, and 24965 are hereby denied on the grounds that anytime that waters of the Little Humboldt River or its tributaries are to be available and used for irrigation, the State Engineer has the authority to open the irrigating season. Once the irrigating season has been opened, under the terms of Decree No. 3157, there is no surplus or unappropriated water for irrigation.

Respectfully submitted,

  
Roland D. Westergard  
State Engineer

RDW:KAR:jw  
Dated this 7th day of  
October, 1969.