

IN THE MATTER OF APPLICATION 25498)
FILED BY WILLIAM F. BOWMAN FOR)
PERMISSION TO APPROPRIATE WATER FROM)
NEVADA CREEK IN DOUGLAS COUNTY,)
NEVADA)

R U L I N G

GENERAL:

Application 25498 was filed by William F. Bowman on March 16, 1970 for permission to appropriate 0.1 c.f.s. of water from Nevada Creek for irrigation purposes. The proposed point of diversion is within the SW $\frac{1}{2}$ SW $\frac{1}{4}$ Section 29, T. 10 N., R. 22 E., M.D.B.&M. The proposed place of use is described as 2.1 acres within portions of the S $\frac{1}{2}$ SW $\frac{1}{4}$ said Section 29. A protest was filed under this application by Hugh R. Fletcher on May 19, 1970 on the grounds that: "1. No unappropriated water in source; 2. Detrimental to existing rights; 3. Detrimental to public welfare; 4. Provisions made, if permit issued, to prevent waste of public waters of Nevada from origin to Lake Topaz." A protest was filed under this application by Walker River Irrigation District on May 20, 1970 on the grounds that: "Waters of this stream are fully appropriated by Certificate granted this District."

The point of diversion under this application is approximately $\frac{1}{4}$ of a mile upstream from the points of diversion under Permits 6583 and 25148.

Certificate 4972, subject of Permit 6583 of record in the name of Walker River Irrigation District was issued 1-15-60 for 1500 acre-feet per year storage from Unnamed Stream "Topaz Lake Stream." The point of diversion is described as within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 32, T. 10 N., R. 22 E., M.D.B.&M. This water is to be used for irrigation and domestic purposes within the Walker River Irrigation District. This creek and Nevada Creek are one and the same. Permit 25148 of record in the name of Hugh R. and/or Mary Madeline Fletcher was issued for 0.25 c.f.s. of water from Nevada Creek for irrigation and domestic purposes. The point of diversion and place of use is described as within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 32, T. 10 N., R. 22 E., M.D.B.&M.

This permit was issued for the beneficial use each year to start following the satisfaction of the water requirements under Certificate 4972. This permit further required that the permittee install a measuring device so that no water would be diverted until the conditions under Certificate 4972, Permit 6583 had been met.

RULING

Application 25498 is herewith denied on the grounds that the granting of a permit would adversely affect prior existing water rights.

Respectfully submitted,


Roland D. Westergard
State Engineer

RDW:RRD:sdb

Dated this 14th day
of September, 1970.