

IN THE MATTER OF APPLICATION 28339)
TO APPROPRIATE WATER FROM AN UNNAMED)
CREEK IN NYE COUNTY, NEVADA.)

R U L I N G

137B

GENERAL:

Application 28339 was filed May 20, 1974, by Richard L. Carver and Margaret A. Carver to appropriate 5.4 c.f.s. from an Unnamed Creek for irrigation and domestic purposes. The point of diversion is located within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 24, T.11N., R.42E., and the place of use is 214.2 acres located within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 20, NW $\frac{1}{4}$ NE $\frac{1}{4}$ and portions NW $\frac{1}{4}$ Section 29, T.11N., R.43E.

A protest to the granting of Applications 28339 was filed August 21, 1974, by Wine Glass, Inc. on the grounds that:

- "1. Vested rights that went with the ranch, named at that time, I think, the Moore Ranch, at least as old as 1900.
2. The series of streams from this un-known creek, known locally as "Devil's Canyon", go into an alluvial (sic) fan and come up on the Wine Glass Ranch (Old Moore Ranch) in the form of over 12 springs."

A field investigation into the matter of protested Application 28339 was conducted on November 20, 1974.

RULING

The protest to the granting of Application 28339 is hereby overruled on the grounds that there is presently unappropriated water available at the source and, further, the granting of this application will not adversely affect existing rights. A permit will be issued under Application 28339 subject to existing rights upon receipt of the statutory permit fees.

Respectfully submitted,


Roland D. Westergard
State Engineer

RDW:BAR:jw

Dated this 6th day of
February, 1975.