

IN THE MATTER OF APPLICATION 29550)
TO CHANGE THE POINT OF DIVERSION)
AND PLACE OF USE OF A PORTION OF)
PROOF 00127 OF THE HUMBOLDT RIVER)
DECREE, HUMBOLDT COUNTY, NEVADA)

R U L I N G

GENERAL

Application 29550 was filed on July 25, 1975, in the name of Albert C. and Dolores Jones to change the point of diversion and place of use of 0.1643 c.f.s. and 25.517 acre-feet, a portion of Proof 00127 of the Humboldt River Decree. The proposed point of diversion is within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 17, T.36N., R.38E., M.D.B.&M., and the water is to be used for the irrigation of 20.21 acres located within portions of the S $\frac{1}{2}$ SW $\frac{1}{4}$ Section 17, N $\frac{1}{2}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 20, all in T.36N., R.38E., M.D.B.&M.

The existing place of use as described under Proof 00127 of the Humboldt River Decree, is irrigated by flooding from the backup of water behind the Miller & Lux Upper Dam (Gartiez Dam) located downstream. Because the land is irrigated in this manner, there is no control over distribution of water which would make it impossible to "dry up" the existing place of use if Application 29550 were granted. A field investigation into this matter was conducted on November 12, 1975. The investigation confirmed that it would not be possible to prevent the flood irrigation of the existing place of use under Proof 00127, and that the granting of Application 29550 would therefore constitute an expansion of acreage.

RULING

Application 29550 is hereby denied on the grounds that the granting of the application would tend to impair the value of and adversely affect existing rights and would be detrimental to the orderly distribution of the waters of the Humboldt River.

Respectfully submitted,


Roland D. Westergard
State Engineer

RDW/BAR/lk

Dated this 11th day

of February, 1976.