

IN THE MATTER OF APPLICATION)
21748 FILED TO APPROPRIATE)
WATERS OF MORRIS CREEK IN)
ESMERALDA COUNTY, NEVADA.)

R U L I N G

Application 21748 was filed on January 13, 1964 by Nevada Farm and Development Corporation to appropriate 3.0 c.f.s. from Morris Creek for commercial and domestic purposes. The application was protested on May 22, 1964 by Chas. R. Pedro.

An investigation in the matter of Morris Creek was made on August 7, 1963 by personnel of the Division of Water Resources. At the time of the investigation, water was being used to irrigate shade trees for domestic purposes in a house and for the irrigation of a small orchard on the Pedro property.

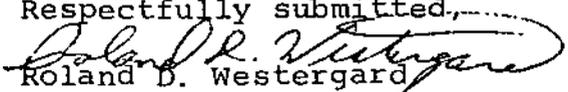
In a letter of September 10, 1963, a request for information regarding the limit and extent of a water right recognized by the State of California on the Pedro Ranch was forwarded to the California State Water Rights Board. In a reply of September 20, 1963 the Executive Officer of this Board advised that there was no information in their files regarding the diversion of water from Morris Creek for use on the Charles Pedro Ranch in Section 16, T. 1 S., R. 32 E., M.D.B.& M. Their reply also included the following: "It is possible that this diversion and use is being made under a claim of an old appropriative right or a riparian right, neither of which is of record in this office."

RULING

The protest against Application 21748 is overruled on the grounds that the protestant has no prior right of record to appropriate waters of Morris Creek in either California or Nevada and that the limit and extent of any right that may be established under an appropriative, riparian or vested claim have not been determined. On receipt of the permit fee a permit will be issued under Application 21748 subject to all existing rights on the source.

Dated this 9th of
December, 1965.

RDW:ns

Respectfully submitted,

Roland D. Westergard
Assistant State Engineer