

IN THE MATTER OF APPLICATION 43410)
FILED TO APPROPRIATE WATER FROM AN)
UNNAMED SPRING IN CLAYTON VALLEY,)
ESMERALDA COUNTY, NEVADA.)

RULING

INTRODUCTION

I.

Application 43410 was filed by The Veta Grande Companies, Inc. to appropriate water from an unnamed spring for quasi-municipal use in Clayton Valley in Esmeralda County, Nevada.

FINDINGS OF FACT

I.

Application 43410 was filed on March 27, 1981, in the name of The Veta Grand Companies, Inc. to appropriate .01 c.f.s. of water (4.48 gallons per minute) from an unnamed spring for quasi-municipal (culinary and sanitary) purposes. The point of diversion is located in the NW1/4 SW1/4 of Section 32, T.3S., R.38E., M.D.B.&M. The place of use is located in the SE1/4 SE1/4 Section 25 and the NE1/4 NE1/4 Section 36, T.2S., R.37E., M.D.B.&M.¹

II.

A field investigation² was made on February 11, 1982. The location of the point of diversion of Application 43410 was found to be Big Spring located in the NW1/4 SW1/4 of Section 32, T.3S., R.38E., M.D.B.&M. At the time of the investigation, Big Spring was flowing at approximately 9.1 gallons per minute.

III.

Existing water rights of record to appropriate the waters of Big Spring are summarized as follows:

1. Permit 5350,³ Certificate 682, was issued for 26.0 gallons per minute for irrigation of 5.83 acres from April 1 to October 1 of each year. The owner of record is Frank J. Inman.

¹ Public record available in the office of the State Engineer.

² Field Investigation Report filed under Permit 43410 of record in the office of the State Engineer.

³ Permit 5350, Certificate 682, of record in the office of the State Engineer.

2. Permit 11385,⁴ Certificate 3543 was issued for 2.1 gallons per minute for stockwatering of 150 head of cattle from January 1 to December 31 of each year. The owners of record are E.J. Shirley, S.M. Chiatovich and H.R. Humphrey.

CONCLUSIONS

I.

The State Engineer has jurisdiction of the parties and the subject matter of this action.⁵

II.

The State Engineer is prohibited by statute from granting a permit where:

- A. there is no unappropriated water at the source, or
- B. the proposed change conflicts with existing rights, or
- C. the proposed use threatens to prove detrimental to the public interest.⁶

III.

The existing rights of record on the spring are for a quantity in excess of the water available. Beneficial use is being made of the waters of Big Spring for irrigation and stock watering purposes.

RULING

Application 43410 is herewith denied on the grounds that there is no unappropriated water at the source.

Respectfully submitted,



Peter G. Morros
State Engineer

GC/PGM/bl

Dated this 16th day of
MARCH, 1984.

⁴ Permit 11385, Certificate 3543, of record in the office of the State Engineer.

⁵ NRS 533.325.

⁶ NRS 533.370, Section 3.