

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATIONS 28785)  
AND 45089 FILED TO APPROPRIATE THE)  
PUBLIC WATERS OF BUCK SPRINGS IN)  
AMARGOSA DESERT, NYE COUNTY,) )  
NEVADA. )

RULING

GENERAL

Application 28785 was filed on October 8, 1974, by David Ghent to appropriate 0.25 c.f.s. of water from Buck Springs for milling purposes within the NE1/4 SE1/4 Section 6, T.12S., R.46E., M.D.B.&M. The point of diversion is described as being within the NW1/4 SW1/4 Section 5, T.12S., R.46E., M.D.B.&M.<sup>1</sup>

Application 45089 was filed on November 30, 1981, by Colvin Cattle Co., Inc., to appropriate 0.05 c.f.s. of water from Buck Spring for stockwatering purposes within the NE1/4 SE1/4 Section 6, T.12S., R.46E., M.D.B.&M. The point of diversion is described as being within the NW1/4 SW1/4 Section 5, T.12S., R.46E., M.D.B.&M.<sup>1</sup>

FINDINGS OF FACT

I.

Existing rights of record on Buck Springs include:<sup>1</sup>

Permit 3385, Certificate 7430, issued for 0.007 c.f.s. to L. C. Colvin for stockwatering of 215 cattle.

Permit 28140, Certificate 9054, issued for 0.00313 c.f.s. to Earl F. or Eulah Gregory for quasi-municipal purposes for three trailers and one commercial building.

II.

Representatives of the Southern Nevada Branch Office of the Division of Water Resources field checked Buck Springs on June 6, 1986, and found:<sup>2</sup>

1. The developed collection system of Buck Springs had caved in.
2. There was no flow from the springs.
3. All pipelines had become inoperative.
4. Field conditions indicate that there has been no recent use of water under existing rights.

-----  
<sup>1</sup> Public record in the office of the State Engineer.

<sup>2</sup> See report of field investigation under Applications 28785 and 45089, public record in the office of the State Engineer.

CONCLUSIONS

I.

The State Engineer<sup>3</sup> has jurisdiction of the parties and the subject matter of this action and determination.

II.

The State Engineer is prohibited by law from granting a permit under an application to appropriate the public waters where:<sup>4</sup>

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

III.

It is evident from the field investigation that there is no unappropriated water in the source.

RULING

Applications 28785 and 45089 are hereby denied on the grounds that there is no unappropriated water in the source and to approve said applications would impair the value of existing rights.

Respectfully submitted,



PETER G. MORROS  
State Engineer

PGM/MT/bl

Dated this 10th day of  
July, 1986.

-----  
<sup>3</sup> NRS 533.325.

<sup>4</sup> NRS 533.370(3).