

**IN THE OFFICE OF THE STATE ENGINEER**

IN THE MATTER OF APPLICATION 34038)  
FILED TO APPROPRIATE WATER FROM)  
SAND SPRINGS, CARSON DESERT,) )  
CHURCHILL COUNTY, NEVADA. )

**RULING**

**GENERAL**

I.

Application 34038 was filed on October 7, 1977, by Mark Lattin and Stanley Lattin to appropriate 0.1 c.f.s. of water from Sand Springs for stockwatering for 500 cattle within the SW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 5, T.16N., R.32E., M.D.B.&M. The point of diversion is described as being within the SW $\frac{1}{4}$  NW $\frac{1}{4}$  Section 5, T.16N., R.32E., M.D.B.&M.<sup>1</sup>

II.

The application was advertised for the statutory period and was subsequently protested by the U.S. Bureau of Land Management on the following grounds.<sup>1</sup>

"The water identified in the application is utilized by approximately 500 head of cows."

**FINDINGS OF FACT**

I.

The State Engineer requested information relative to the use of the public lands<sup>2</sup> from the U.S. Bureau of Land Management and finds that the applicants are the range users.<sup>3</sup>

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

<sup>2</sup> See letter from the State Engineer in file 34038 dated December 30, 1988, public record in the office of the State Engineer.

<sup>3</sup> See letter from the U.S. Bureau of Land Management in file 34038 dated February 2, 1989, public record in the office of the State Engineer.

CONCLUSIONS

I.

The State Engineer has jurisdiction of the parties and the subject matter of this action.<sup>5</sup>

II.

The State Engineer is prohibited by law from granting a permit under an application to appropriate the public waters where:<sup>5</sup>

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

III.

The State Engineer finds that the protest lacks grounds or merit as to reasons why the application should be denied.

IV.

Evidence available to the State Engineer supports the conclusion that the applicant has the means to place the water to beneficial use.

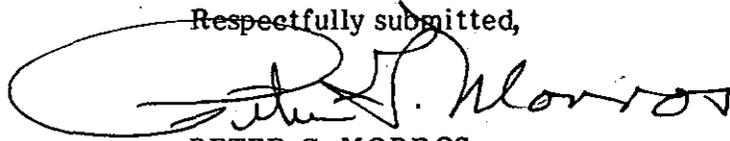
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<sup>4</sup> NRS Chapter 533.

<sup>5</sup> NRS Chapter 533.370.

RULING

The protest to Application 34038 is hereby overruled and said application is hereby approved subject to prior rights and the payment of statutory permit fees as required under NRS 533.435.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Peter G. Morros", written over a large, loopy oval scribble.

PETER G. MORROS  
State Engineer

PGM/RMT/bk

Dated this 5th day of

April, 1989.