

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATION 34868)
FILED TO APPROPRIATE THE WATER FROM)
LOWRY SPRINGS, STEPTOE VALLEY, WHITE)
PINE COUNTY, NEVADA.)

SUPPLEMENTAL
RULING

GENERAL

I.

Application 34868 was filed on January 13, 1978, by Flying Diamond Ranches, Inc. to appropriate 0.17 c.f.s. of water from Lowry Springs for stockwatering for 300 cattle and 2,000 sheep within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 21, T.15N., R.63E., M.D.B.&M. The point of diversion is described as being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 21, T.15N., R.63E., M.D.B.&M.¹

FINDINGS OF FACT

I.

On April 5, 1989, the State Engineer denied the application by Ruling No. 3595 based on some erroneous information provided by the U.S. Forest Service.¹

II.

Additional evidence indicates that this particular source of water lies on patented land owned by the applicants.¹

III.

There is no evidence that the granting of the subject application will interfere with existing rights.

IV.

There is unappropriated water at the source.

¹ 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.²

II.

The State Engineer is prohibited by law from granting a permit under an application to appropriate the public waters where:³

- 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 concludes that the applicant owns the property upon which the source of water is located and the place of use described under Application 34868, and therefore has the ability to put the water to beneficial use.

IV.

The State Engineer concludes that the granting of the subject application will not interfere with existing rights and there is unappropriated water at the source.

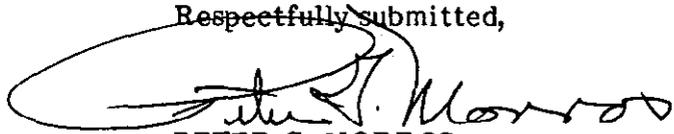
² NRS Chapter 533.

³ NRS Chapter 533.370(3).

RULING

The State Engineer's previous Ruling No. 3595 is hereby rescinded and Application 34868 is hereby approved subject to prior rights and the payment of the statutory permit fees.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Peter G. Morros", is written over a large, loopy scribble that partially obscures the text "Respectfully submitted,".

PETER G. MORROS
State Engineer

PGM/RMT/bk

Dated this 8th day of

June, 1989.