

IN THE OFFICE OF THE STATE ENGINEER
OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION 38302)
FILED TO APPROPRIATE THE PUBLIC)
WATERS OF DEER SPRING WITHIN THE)
PINE VALLEY HYDROGRAPHIC BASIN)
(053), EUREKA COUNTY, NEVADA.)

RULING

4909

GENERAL

I.

Application 38302 was filed on June 8, 1979, by Frank Paxton and Family to appropriate 0.1 cubic feet per second of water from Deer Spring. The proposed manner and place of use is for stockwatering purposes within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 18, T.27N., R.51E., M.D.B.&M. The proposed point of diversion is described as being located within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 18.¹

FINDINGS OF FACT

I.

Application 38302 was denied on March 17, 2000, by State Engineer's Ruling No. 4882. The State Engineer finds that this denial was based primarily upon the grounds that the applicant had not demonstrated a continued interest in pursuing Application 38302.²

II.

Before an application which requests an appropriation of stock water upon public lands can be considered for approval by the State Engineer, the applicant must be recognized as the federal grazing allotment permittee. Information provided by the Bureau of Land Management indicates that the federal grazing permit associated with Application 38302 has been passed to Slagowski Ranches, Inc. Accordingly, by letter dated January 12, 2000, Slagowski Ranches, Inc., was requested by the office of the

¹ File No. 38302, official records in the office of the State Engineer.

² State Engineer's Ruling No. 4882 dated March 17, 2000, official records in the office of the State Engineer..

State Engineer to provide transfer documents to establish chain of title to Application 38302. Slagowski Ranches, Inc., was also cautioned that a failure to submit the requested information within thirty days from the date of the letter would represent a lack of continued interest on its part in pursuing Application 38302. This request for additional information resulted in the submittal of a Report of Conveyance by an agent for Slagowski Ranches, Inc., which was received in the office of the State Engineer on January 24, 2000.³ The State Engineer finds that grounds of the denial of Application 38302 set forth in State Engineer's Ruling 4882 were made without the knowledge of the submittal of the January 24, 2000, Report of Conveyance.

III.

On January 24, 2000, Slagowski Ranches, Inc., timely submitted the information requested by the office of the State Engineer. The State Engineer finds that Slagowski Ranches, Inc., has complied with the January 12, 2000, request for additional ownership information and has expressed a valid interest in pursuing Application 38302.

CONCLUSIONS

I.

The State Engineer has jurisdiction over the parties and the subject matter of this action and determination.⁴

II.

Application 38302 was denied without the knowledge that the apparent successor in interest had timely responded to an earlier request for title information. The State Engineer concludes that upon consideration of this additional information the denial of Application 38302 must be rescinded.

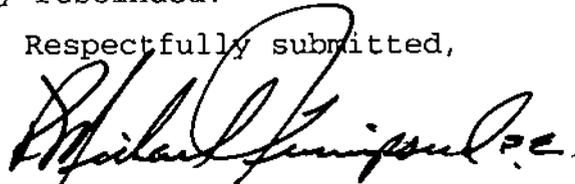
³ Nevada Division of Water Resources Titles Database, March 23, 2000.

⁴ NRS chapter 533.

RULING

The denial of Application 38302 set forth in State Engineer's Ruling No. 4882 is hereby rescinded.

Respectfully submitted,



R/ MICHAEL TURNIPSEED, P.E.

State Engineer

RMT/MDB/cl

Dated this 25th day of
April, 2000.