

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

IN THE MATTER OF APPLICATION 59306)
FILED TO CHANGE THE POINT OF DIVERSION)
AND PLACE OF USE OF AN UNDERGROUND)
SOURCE WITHIN THE WINNEMUCCA SEGMENT)
HYDROGRAPHIC BASIN (70), HUMBOLDT)
COUNTY, NEVADA.)

RULING

4980

GENERAL

I.

Application 59306 was filed on October 8, 1993, by Patricia A. Stilwell to change the point of diversion and place of use of 0.0195 cubic feet per second (cfs), a portion of the underground water previously appropriated under Permit 22854, Certificate 6834, for irrigation purposes within the NE¼ NW¼ NW¼ of Section 23, T.35N., R.37E., M.D.B.&M. The proposed point of diversion is described as being located within the NW¼ NW¼ of Section 23, T.35N., R.37E., M.D.B.&M.¹

FINDINGS OF FACT

I.

The proposed point of diversion under Application 59306 is located within Winnemucca Segment Hydrographic Basin number 70 in Humboldt County, Nevada.¹ The State Engineer finds that the point of diversion under Permit 22854, Certificate 6834, is located within Grass Valley Hydrographic Basin number 71 in Pershing County.¹

II.

The State of Nevada is divided into 232 hydrographic basins. The underground water from each hydrographic basin is considered to be a separate source of water. Nevada Revised Statute § 533.330 provides in part that: "No application shall be for the water of more than one source". The State Engineer finds that change Application 59306 contemplates the appropriation of water from a source distinct from which Permit 22854 appropriates water.

¹ File No. 59306, official records in the office of the State Engineer.

CONCLUSIONS

I.

The State Engineer has jurisdiction over the parties and of the subject matter of this action and determination.²

II.

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

- A. the proposed use conflicts with existing rights; or
- B. the proposed use threatens to prove detrimental to the public interest.

III.

A permit to appropriate the public waters of the State of Nevada is limited to a single source.⁴ The State Engineer concludes since change Application 59306 proposes to change water from the Grass Valley Hydrographic Basin number 71 to Winnemucca Segment Hydrographic Basin number 70, approval of change Application 59306 would constitute a violation of the provisions of NRS § 533.330 and would thereby threaten to prove detrimental to the public interest.

RULING

Application 59306 is hereby denied on the grounds that approval of this application would violate the provisions of NRS § 533.330 and would thereby threaten to prove detrimental to the public interest.

Respectfully submitted,



HUGH RICCI, P.E.
State Engineer

HR/RAD/cl

Dated this 19th day of
October, 2000.

² NRS chapters 533 and 534.

³ NRS § 533.370(3).

⁴ NRS § 533.330.