

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

IN THE MATTER OF APPLICATIONS 67884 )  
AND 67885 FILED TO APPROPRIATE THE )  
PUBLIC WATERS OF TWO SPRINGS WITHIN )  
THE VIRGIN RIVER VALLEY HYDROGRAPHIC )  
BASIN (222), LINCOLN COUNTY, NEVADA. )  
)

RULING  
**# 5122**

GENERAL

I.

Application 67884 was filed on August 3, 2001, by Lavar and Kaye Wade and Ed and Connie Bundy to appropriate 0.0111 cubic feet per second of water from Mine Spring for the stockwatering of 75 head of cattle within the NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 4, T.12S., R.69E., M.D.B.&M and the SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 33, T.11S., R.69E., M.D.B.&M. The proposed point of diversion is described as being located within the NW $\frac{1}{4}$  NW $\frac{1}{4}$  of said Section 4.<sup>1</sup>

II.

Application 67885 was filed on August 3, 2001, by Lavar and Kaye Wade and Ed and Connie Bundy to appropriate 0.0111 cubic feet per second of water from Gourd Spring for the stockwatering of 50 head of cattle within the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 29 and the SE $\frac{1}{4}$  of Section 20, all in T.11S., R.69E., M.D.B.&M. The proposed point of diversion is described as being located within the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of said Section 29.<sup>2</sup>

FINDINGS OF FACT

I.

Applications 67884 and 67885 were timely protested by the United States Department of the Interior, Bureau of Land Management (BLM), on the following grounds.<sup>1,2</sup>

The BLM has identified a need at this site for wildlife and stockwatering purposes, and intends to file an application to appropriate waters at this site for such purposes.

<sup>1</sup> File No. 67884, official records in the Office of the State Engineer.

<sup>2</sup> File No. 67885, official records in the Office of the State Engineer.

CONCLUSIONS

I.

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

II.

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

- A. there is no unappropriated water at the proposed source;
- B. the proposed use or change conflicts with existing rights;
- C. the proposed use or change conflicts with protectible interests in existing domestic wells as set forth in NRS § 533.024; or
- D. the proposed use or change threatens to prove detrimental to the public interest.

III.

The State Engineer concludes that no issue of Nevada law is a part of the above-specified protest; accordingly, the protest is without merit.

RULING

The protest to Applications 67884 and 67885 is hereby overruled and Applications 67884 and 67885 are approved subject to existing rights and the payment of the statutory permit fee.

Respectfully submitted,



HUGH RICCI, P.E.  
State Engineer

HR/RD/jm

Dated this 14th day of  
May, 2002.

<sup>3</sup> NRS chapter 533.

<sup>4</sup> NRS § 533.370(3).