

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

IN THE MATTER OF APPLICATION 46541)
FILED TO APPROPRIATE THE WATERS OF)
THE DRESSI SPRING WITHIN THE ELKO)
SEGMENT HYDROGRAPHIC BASIN (49),)
ELKO COUNTY, NEVADA.)

RULING
5978

GENERAL

I.

Application 46541 was filed on January 17, 1983, by Dressi Ranching Co., later assigned to Joseph W. Heguy, to appropriate 0.10 cubic foot per second (cfs) of water from Dressi Spring for stockwater and domestic purposes. The proposed point of diversion is described as being located within the SE¼ NE¼ of Section 9, T.34N., R.54E., M.D.B.&M.¹ The proposed place of use is described as being located within the SE¼ NE¼ of said Section 9.

FINDINGS OF FACT

I.

The Heguy Ranches, Inc., also own 697.92 acre-feet of water under Humboldt River Claim No. 00230 and 384.90 acre-feet of water under Humboldt River Claim No. 00382. The original claimant to these two Humboldt River claims was Charles Dressi.²

II.

The Humboldt River, Bartlett Decree, page 243 paragraph 5 reads as follows:

¹ File No. 46541, official records in the Office of the State Engineer.

² *In the Matter of Determination of the Relative Rights of the Waters of the Humboldt River System and Tributaries*, Case No. 2804, Sixth Judicial District Court, State of Nevada, In and for the County of Humboldt, 1923-1938.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that all claimants herein for the water for irrigation shall be entitled to use such water for stock and domestic purposes. That the right to the diversion and use of the water for stock and domestic purposes shall be continued by such claimants and such water users at any time during the year, and such diversion shall be according to the dates of priority of such claimants and such use shall be limited to the quantity of water reasonably necessary for stock and domestic purposes; that during the irrigation season the amount of water diverted for irrigation purposes shall not be increased by any amount to be used for stock and domestic purposes, but the quantity allowed and diverted for irrigation during irrigation season includes the water for stock and domestic purposes.²

The State Engineer finds that Dressi Spring is tributary to the Humboldt River system and subject to the decree.³ The State Engineer finds the Applicant already has vested stock water through the decree and there is no reason to issue a permit, as two identical rights on the same source will only be confusing.

CONCLUSIONS

I.

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

II.

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

- 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

³ File No. 46541, official records in the Office of the State Engineer.

⁴ NRS chapter 533.

D. the proposed use or change threatens to prove detrimental to the public interest.⁵

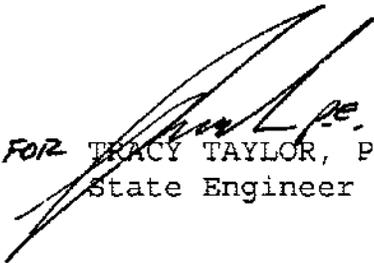
III.

The State Engineer concludes that the granting of Application 46541 will conflict with existing rights and threaten to prove detrimental to the public interest.

RULING

Application 46541 is hereby denied on the grounds that the granting of a second right on the same source would conflict with existing rights and would threaten to prove detrimental to the public interest.

Respectfully submitted,


FOR TRACY TAYLOR, P.E.
State Engineer

TT/JED/jm

Dated this 20th day of
April, 2009.

⁵ NRS § 533.370(5).