

IN THE MATTER OF APPLICATIONS 36714,)
36717, 36718, 36719, 36720, 36737,)
36745, and 36747 FILED FOR THE WATERS)
OF FIVE UNNAMED SPRINGS, BIG MOUNTAIN)
SPRING, SHEEP CREEK SPRING, AND JOHN-)
STONE SPRING IN BLACK ROCK DESERT,)
HUMBOLDT COUNTY, NEVADA)

R U L I N G

GENERAL

Application 36714 was filed on February 12, 1979, by Kenneth H. and Doris N. Earp to appropriate 0.012 c.f.s. of the waters of an unnamed spring to be diverted within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 13, T.39N., R.26E., M.D.B. & M., and to be used for stockwatering and domestic purposes within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 13, T.39N., R.26E., M.D.B. & M. 1/

Application 36717 was filed on February 12, 1979, by Kenneth H. and Doris N. Earp to appropriate 0.012 c.f.s. of the waters of Big Mountain Spring to be diverted within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 17, T.39N., R.26E., M.D.B. & M., and to be used for stockwatering and domestic purposes within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 17, T.39N., R.26E., M.D.B. & M. 1/

Application 36718 was filed on February 12, 1979, by Kenneth H. and Doris N. Earp to appropriate 0.012 c.f.s. of the waters of Sheep Creek Spring to be diverted within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 14, T.39N., R.26E., M.D.B. & M., and to be used for stockwatering and domestic purposes within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 14, T.39N., R.26E., M.D.B. & M. 1/

Application 36719 was filed on February 12, 1979, by Kenneth H. and Doris N. Earp to appropriate 0.012 c.f.s. of the waters of an unnamed spring to be diverted within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 10, T.39N., R.26E., M.D.B. & M., and to be used for stockwatering and domestic purposes within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 10, T.39N., R.26E., M.D.B. & M. 1/

Application 36720 was filed on February 12, 1979, by Kenneth H. and Doris N. Earp to appropriate 0.012 c.f.s. of the waters of Johnstone Spring to be diverted within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 11, T.39N., R.26E., M.D.B. & M., and to be used for stockwatering and domestic purposes within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 11, T.39N., R.26E., M.D.B. & M. 1/

Application 36737 was filed on February 12, 1979, by Kenneth H. and Doris N. Earp to appropriate 0.012 c.f.s. of the waters of an unnamed spring to be diverted within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 2, T.40N., R.26E., M.D.B. & M., and to be used for stockwatering and domestic purposes within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 2, T.40N., R.26E., M.D.B. & M. 1/

Application 36745 was filed on February 12, 1979, by Kenneth H. and Doris N. Earp to appropriate 0.012 c.f.s. of the waters of an unnamed spring to be diverted within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 28, T.40N., R.26E., M.D.B. & M., and to be used for stockwatering and domestic purposes within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 28, T.40N., R.26E., M.D.B. & M. 1/

Application 36747 was filed on February 12, 1979, by Kenneth H. and Doris N. Earp to appropriate 0.012 c.f.s. of the waters of an unnamed spring to be diverted within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 11, T.40N., R.26E., M.D.B. & M., and to be used for stockwatering and domestic purposes within the N $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 11, T.40N., R.26E., M.D.B. & M. 1/

No protests to the granting of Applications 36714, 36717, 36718, 36719, 36720, 36737, 36745, and 36747 were filed. 1/

FINDINGS OF FACT

I

The unnamed spring identified as the source of water in Application 36714 is tributary to Sheep Creek. 2/

II

Big Mountain Spring identified as the source of water under Application 36717 is tributary to Deer Creek. 3/

III

Sheep Creek Spring identified as the source of water under Application 36718 is tributary to Sheep Creek. 2/

IV

The unnamed spring identified as the source of water under Application 36719 is tributary to Deer Creek. 2/

V

Johnstone Spring identified as the source of water under Application 36720 is tributary to Piute Creek. 2/

VI

The unnamed spring identified as the source of water under Application 36737 is tributary to Butte Creek 4/ and Butte Creek is tributary to Piute Creek 4/, 2/.

VII

The unnamed spring identified as the source of water under Application 36745 is tributary to Piute Creek. 5/

VIII

The unnamed spring identified as the source of water under Application 36747 is tributary to Butte Creek 4/ and Butte Creek is tributary to Piute Creek. 2/ 4/

IX

Sheep Springs Creek and Sheep Creek are one and the same. 2/ 6/ 7/

X

The "Piute Creek stream system" includes Piute Creek, Deer Creek, and Sheep Creek (aka Sheep Springs Creek). 8/

CONCLUSIONS

I

The State Engineer has jurisdiction of the parties and the subject matter of these applications. 9/

II

The State Engineer is prohibited by law from granting a permit where:

1. There is no unappropriated water in the source, or
2. Where its proposed use or change conflicts with existing rights, or
3. Where the proposed use threatens to prove detrimental to the public interest. 10/

III

The Piute Creek decree states that: "The waters of the Piute Creek stream system are fully utilized for irrigation, stockwatering and domestic purposes and no other person or persons other than B. F. Porter Estate and its successors shall be entitled to receive any water from said Piute Creek stream system." 11/

RULING

Applications 36714, 36717, 36718, 36719, 36720, 36737, 36745, and 36747 are herewith denied on the grounds that there is no unappropriated water in the source.

Respectfully submitted,

William J. Newman

William J. Newman
State Engineer

WJN/KN/gk

Dated this 23rd day
of OCTOBER, 1980.

FOOTNOTES

1. Public records on file in the office of the State Engineer.
2. U.S.G.S. 7½ Minute Quadrangle Map "Paiute Meadows" (125C)
3. Piute Creek Decree, p. 4, Case No. 4189, filed November 18, 1946, Humboldt County, Nevada
4. U.S.G.S. 7½ Minute Quadrangle Map "Burnt Springs" (125B)
5. U.S.G.S. 7½ Minute Quadrangle Map "Big Mountain" (124D)
6. Map filed to support Proofs of Appropriation 02237 and 02238
7. Piute Creek Decree, p. 5, Case No. 4189, filed November 18, 1946, Humboldt County, Nevada
8. Piute Creek Decree, p. 4, Case No. 4189, filed November 18, 1946, Humboldt County, Nevada
9. NRS 533.025 and NRS 533.030, Subsection 1
10. NRS 533.370, Subsection 4
11. Piute Creek Decree, p. 11, Case No. 4189, filed November 18, 1946, Humboldt County, Nevada