

IN THE MATTER OF APPLICATION)
40844 TO APPROPRIATE WATER)
FROM THE UNDERGROUND RESOURCE) R U L I N G
IN ORIENTAL WASH, ESMERALDA)
COUNTY, NEVADA.)

FINDINGS OF FACT

I

Application 40844 was filed by Vernon and Katina Cook on March 6, 1980, to appropriate 0.1 c.f.s. of underground water for mining, milling and domestic purposes. The point of diversion is within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 12, T.8S., R.41E., M.D.B.&M., and the place of use is the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 12, SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 2, NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 11, T.8S., R.41E., M.D.B.&M. (unsurveyed). 1/

II

A timely protest to the granting of Application 40844 was filed August 6, 1980 by Jack Vogt and prayed the application be denied on the following grounds:

"The area is already a very critical area for water and any intrusion by man would completely stop livestock and wildlife from using this area.

I have two permitted springs (25329 & 25328) within one quarter mile of the proposed applicants filing and this well could dry my springs completely. I also have ground water rights from permit #28971 and 28832 close by." 2/

III

A review of existing water rights of record in the office of the State Engineer in close proximity to Application 40844 reveals the following:

Certificate 8735 subject of permit 25328 was issued February 27, 1976 for 0.000075 c.f.s. of water for stock watering purposes from Old Camp Spring located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 12, T.8S., R.41E., M.D.B.&M. This spring is located approximately 2800 feet southeasterly of the proposed well under Application 40844 and about 340 feet higher in elevation within generally the same drainage according to a plotting of the respective descriptions on the U.S.G.S. 15 minute quadrangle-Lida Wash. 3/

Certificate 8736, subject of Permit 25329, was issued February 27, 1976 for 0.0017 c.f.s. of water for stock watering purposes from Cosar Spring located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 11, T.8S., R.41E., M.D.B.&M. This spring is located approximately 2000 feet southwesterly of the proposed well and about 50 feet higher in elevation but in a separate drainage, according to the plotting cited above. 3/

Certificate 8737, subject of Permit 28832 was issued February 27, 1976 for 0.0022 c.f.s. of water for stock watering purposes from an underground source (Cosar Well) located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 11, T.8S., R.41E., M.D.B.&M. This well is located approximately 2000 feet westerly of the proposed well and about 40 feet lower in elevation but in a separate drainage, according to the plotting cited above. 3/

Certificate 8738 subject of Permit 28971 was issued February 27, 1976, for 0.00155 c.f.s. of water for stock watering purposes from an underground source (Old Camp Well) located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 12, T.8S., R.41E., M.D.B.&M. This well is located approximately 2500 feet southeasterly of the proposed well and about 240 feet higher in elevation within generally the same drainage, according to the plotting cited above. 3/

IV

All of the rights cited above under III show Henry F. Howison and Virginia L. Howison of record as owners, but note a notice of pledge, filed for information purposes, from Jack N. and Joan Vogt to Federal Land Bank of Sacramento.

V

Numerous field investigations have been conducted under other applications by representatives of the State Engineer's office in the Oriental Wash area in the vicinity of the proposed well. 4/

CONCLUSIONS

I

The State Engineer has jurisdiction under NRS 533.025 and 533.030, subsection 1.

II

A review of the location of the proposed well with respect to existing rights within a reasonable proximity; and analyses of data gained from prior field inspections by representatives of the State Engineer's office in the area reveal that approval of the proposed well would not tend to interfere with existing rights.

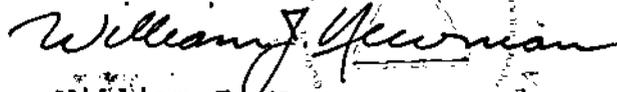
III

Under NRS 533.370 (1), "The state Engineer shall approve all applications made in proper form where all fees, as provided in this chapter, have been paid which contemplate the applicatuon of water to beneficial use and where the proposed use or change does not tend to impair the value of existing rights, or to be otherwise detrimental to the public welfare."

RULING

The protest to Application 40844 is herewith overruled and a permit will be issued thereunder subject to all existing rights upon payment of the statutorily required permit fees.

Respectfully submitted,



William J. Newman
State Engineer

WJN:jw

Dated this 12th day of
November, 1980.

FOOTNOTES

1. Public records in the office of the State Engineer under Application Number 40844.
2. Public records in the office of the State Engineer under Application 40844.
3. Public records in the office of the State Engineer under the cited number with plottings filed under Application No. 40844.
4. Public records in the office of the State Engineer filed under "Reports of Field Investigations and Memorandums."