

IN THE MATTER OF APPLICATION 44096 )  
FILED TO APPROPRIATE THE WATER OF )  
AN UNDERGROUND SOURCE WITHIN THE )  
ELKO SEGMENT GROUND WATER BASIN, )  
ELKO, NEVADA )

R U L I N G

FINDINGS OF FACT

I

Application 44096 was filed on June 30, 1981 by Richard L. Cothrun to appropriate 0.05 c.f.s. of water from an underground source for quasi-municipal purposes. The point of diversion is described as being within the NE $\frac{1}{4}$  NW $\frac{1}{4}$  Section 28, T.34N., R.55E., M.D.B.&M., and the place of use is within the W $\frac{1}{2}$  NW $\frac{1}{4}$  NE $\frac{1}{4}$  NW $\frac{1}{4}$  Section 28, T.34N., R.55E., M.D.B.&M. The period of use is described as from January 1st to December 31st of each year.

II

Application 44096 became ready for action on February 28, 1982 upon completion of the statutory publication and protest periods.

III

Application 44096 was protested on January 13, 1982 by the City of Elko on the grounds set forth in the protest. A copy of the protest is made a part of this ruling by reference and is on file in the records of the State Engineer's office.

IV

On March 31, 1982, the State Engineer's office received a letter under the signature of James M. Copenhaver, City Attorney for the City of Elko, requesting that the protest filed by the City of Elko on January 13, 1982 be amended and that a permit be granted under Application 44096 limited to an annual duty of 1,000 gallons per day each for two single family dwellings, as requested under the application.

V

The point of diversion under Application 44096 lies within the Elko Segment Ground Water Basin as designated by Order No. 778 of the State Engineer dated December 8, 1981.

CONCLUSIONS

1. The State Engineer has jurisdiction under NRS 533.025 and 533.030, subsection 1.
2. The State Engineer is prohibited by law from granting a permit where:
  - A. There is no unappropriated water at the proposed source, or
  - B. The proposed use conflicts with existing rights, or
  - C. The proposed use threatens to prove detrimental to the public welfare.

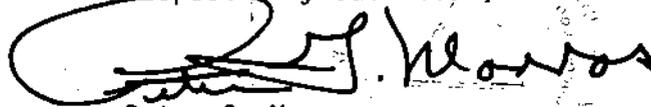
RULING  
Page Two

3. If the subject application was approved subject to the conditions set out under the protest of the City of Elko there would not be an adverse effect or conflict with existing rights.

RULING

Application 44096 is herewith approved with the understanding that the total duty of water under the application is limited to and not to exceed 2,000 gallons per day. A permit will be granted under this application upon receipt of the statutory permit fees.

Respectfully submitted,



Peter G. Morros  
State Engineer

PGM/bc

Dated this 2nd day of  
APRIL, 1982.