

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATIONS 44040 )  
AND 44044 FILED BY RONALD M. FLORANCE )  
TO APPROPRIATE WATERS OF BALSAC )  
BASIN SPRING NO. 1 AND RED SPRING IN )  
THE MARYS RIVER BASIN, ELKO COUNTY, )  
NEVADA. )

RULING

GENERAL

Application 44040 was filed on June 29, 1981, by Ronald M. Florance to appropriate 0.10 c.f.s. of water from Balsac Spring No. 1 for stockwater and domestic purposes within the SE1/4 SE1/4 Section 33, T.43N., R.61E., M.D.B.&M. The point of diversion is described as being within the SE1/4 SE1/4 Section 33, T.43N., R.61E., M.D.B.&M.<sup>1</sup>

Application 44044 was filed on June 29, 1981, by Ronald M. Florance to appropriate 0.10 c.f.s. of water from Red Spring for stockwater and domestic purposes within the SE1/4 SE1/4 Section 32, T.43N., R.61E., M.D.B.&M. The point of diversion is described as being within the SE1/4 SE1/4 Section 32, T.43N., R.61E., M.D.B.&M.<sup>1</sup>

FINDINGS OF FACT

I.

Balsac Basin Spring No. 1, identified as the source of water in Application 44040, is tributary to the north fork of Currant Creek which is in turn tributary to the Humboldt River.<sup>2</sup>

II.

Red Spring, identified as the source of water in Application 44044, is tributary to Currant Creek which in turn is tributary to the Humboldt River.<sup>2</sup>

III.

In the Bartlett Decree for the Humboldt River adjudication, the Court states, under Findings of Fact No. 44, that the stream system is fully appropriated.<sup>3</sup>

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<sup>1</sup> Public record in the office of the State Engineer filed under Applications 44040 and 44044.

<sup>2</sup> A copy of the field investigation report is a public record on file with Applications 44040 and 44044 in the office of the State Engineer.

<sup>3</sup> The Humboldt River Adjudication, 1923-1938; the Bartlett Decree Findings of Fact No. 44, p. 28, Humboldt County, Nevada.

CONCLUSIONS

I.

The State Engineer has jurisdiction of the parties and the subject matter of this action.<sup>4</sup>

II.

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

- A. there is no unappropriated water in the proposed source, or
- B. the proposed use conflicts with existing rights, or
- C. the proposed use threatens to prove detrimental to the public interest.<sup>5</sup>

III.

The sources of water for Applications 44040 and 44044 are tributary to the Humboldt River which has been declared fully appropriated.

RULING

Applications 44040 and 44044 are hereby denied on the grounds there is no unappropriated water at the source.

Respectfully submitted



Peter G. Morros  
State Engineer

PGM/GC/bl

Dated this 6th day of  
November, 1984.

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<sup>4</sup> NRS 533.325.

<sup>5</sup> NRS 533.370, subsection 3.