

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATION 39812)
FILED TO APPROPRIATE THE WATERS OF)
SILVER PARK SPRINGS IN SPRING VALLEY,)
LINCOLN COUNTY, NEVADA.)

RULING

GENERAL

Application 39812 was filed on November 23, 1979, by Einar Erickson to appropriate 0.20 c.f.s. of water from Silver Park Springs for mining and milling purposes within the NE1/4 NW1/4 Section 21, T.7N., R.68E., M.D.B.&M. The point of diversion is described as being within the SE1/4 SE1/4 Section 20, T.7N., R.68E., M.D.B.&M.¹

A timely protest to the granting of Application 39812 was filed on May 5, 1980, by Imperial Farms Land and Cattle Co. The protest was withdrawn on September 6, 1984.¹

FINDINGS OF FACT

I.

The State Engineer's records show a prior existing water right to the Silver Park Springs as evidenced in Application 7161, Certificate 1950, for stockwatering and domestic purposes by Murray Sheep Co. or its predecessors in interest.²

II.

The State Engineer's records show a prior permitted water right as evidenced by Application 39138 for all excess water to be used for mining and milling purposes in the name of Connie Simkins.²

III.

A field investigation, conducted September 14, 1984, by representatives of the State Engineer's office shows a measured flow of only 14 g.p.m.³

IV.

NRS 533.367 requires that sufficient water be left at the source of springs to support wildlife that customarily inhabit the area.

¹ Public record in the office of the State Engineer under Application 39812.

² Public record in the office of the State Engineer.

³ Field investigation report filed under Application 39138 is a public record in the office of the State Engineer.

CONCLUSIONS

I.

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

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.⁵

RULING

Application 39812 is hereby denied on the grounds there is no unappropriated water in the source and further that the granting of the application would tend to impair the value of existing rights.

Respectfully submitted



Peter G. Morros
State Engineer

PGM/MT/bl

Dated this 27th day of
December, 1984.

⁴ NRS 533.325.

⁵ NRS 533.370, subsection 3.

APPLICANT

PROTESTANT

DATE

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