

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATION 49636)  
FILED TO APPROPRIATE THE PUBLIC)  
WATERS OF AN UNDERGROUND SOURCE IN)  
CRESCENT VALLEY, EUREKA COUNTY,)  
NEVADA. )

RULING

GENERAL

Application 49636 was filed on January 17, 1986, by John Holley to appropriate 0.0002 c.f.s. of water from an underground source for stockwatering purposes within the SW1/4 NE1/4 NW1/4 Section 15, T.30N., R.48E., M.D.B.&M. The point of diversion is described as being within the NE1/4 NW1/4 Section 15, T.30N., R.48E., M.D.B.&M.<sup>1</sup>

FINDINGS OF FACT

I.

In a letter dated January 30, 1986, the State Engineer's office requested information from the Bureau of Land Management regarding the current range users within the described place of use which is on public land.

II.

On March 4, 1986, the State Engineer's office received a letter from the Bureau of Land Management stating that Zeda, Inc., John Marvel and Paul Sansinena are the authorized range users for the place of use described under Application 49636.

III.

The State Engineer, as a long standing policy, has limited approval of private applications for stockwatering rights on public domain and national forest lands to the federal range permittee.<sup>2</sup>

IV.

Stockwatering is declared to be a beneficial use of the public waters. The State Engineer may approve any application if it contemplates.<sup>3</sup>

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<sup>1</sup> Public record in the office of the State Engineer.

<sup>2</sup> NRS 533.495.

<sup>3</sup> NRS 533.490, 533.495, 533.030(1) and 533.370(3).

1. The application of the water to a beneficial use;
2. There is unappropriated water in the proposed source;
3. The proposed use will not impair existing rights;
4. The appropriation is in the public interest.

### CONCLUSIONS

#### I.

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

#### II.

The State Engineer is prohibited by law from granting a permit under an application to appropriate the public waters where:<sup>5</sup>

- 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 interest.

#### III.

The authorized range users are Zeda, Inc., John Marvel and Paul Sansinena and the proposed point of diversion and place of use under Application 49636 is located within the same area as the authorized range users.

#### IV.

Based upon information provided by the Bureau of Land Management, the applicant is not the authorized range user. It would, therefore, be detrimental to the public interest to approve the subject application and would further interfere with or impair the value of grazing use of the public lands by the federal range users.<sup>2</sup>

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<sup>4</sup> NRS Chapters 533 and 534.

<sup>5</sup> NRS 533.370(3).

RULING

Application 49636 is herewith denied on the grounds that the granting thereof would be detrimental to the public interest and would substantially interfere with or impair the value of existing grazing rights on the public land.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Peter G. Morros", written over a horizontal line.

PETER G. MORROS  
State Engineer

PGM/JO/bl

Dated this 17th day of  
September, 1986.