

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATION 43061)
FILED TO APPROPRIATE THE PUBLIC)
WATERS OF SAN JACINTO SPRINGS,))
SALMON FALLS CREEK AREA IN ELKO)
COUNTY, NEVADA.)

RULING

GENERAL

I.

Application 43061 was filed on January 6, 1981, by Salmon River Cattlemen's 4444444tion, Inc. to appropriate 2.0 c.f.s. of water from San Jacinto Springs for irrigation and domestic purposes on 200 acres within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 22, NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 23, W $\frac{1}{2}$ W $\frac{1}{2}$ Section 14, E $\frac{1}{2}$ E $\frac{1}{2}$ Section 15, SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 11 and the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 10, T.46N., R.64E., M.D.B.&M. The point of diversion is described as being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 22, T.46N., R.64E., M.D.B.&M.¹

FINDINGS OF FACT

I.

The source of water for this application is also known as Warm Springs and is part of the Salmon Falls Creek System.²

II.

The Salmon Falls Creek aka Salmon River aka Salmon Creek and its tributaries have been found to be fully appropriated.³

¹ Public record in the office of the State Engineer.

² See report of field investigation dated April 5, 1989, in file 43061, public record in the office of the State Engineer.

³ See State Engineer's Order No. 204 dated October 6, 1952, and signed by Hugh Shamberger, State Engineer, as part of Salmon Falls Creek Settlement Agreement and Judgment in Salmon River Canal Co. Ltd. vs. Walter M. Gilmer, et al., U.S. District Court, District of Nevada, Docket No. 913.

CONCLUSIONS

I.

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

II.

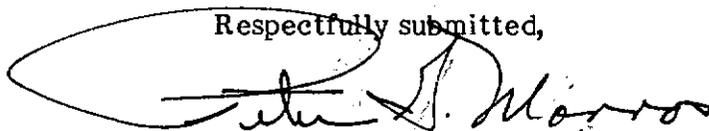
The State Engineer is prohibited by law from granting a permit under an application to appropriate the public waters where:⁵

- A. There is no unappropriated water at the proposed source, or
- B. The proposed use or change conflicts with existing rights, or
- C. The proposed use or change threatens to prove detrimental to the public interest.

RULING

Application 43061 is hereby denied on the grounds that the source is tributary to the Salmon Falls Creek System which has been determined to be fully appropriated and the granting thereof would interfere with existing rights.

Respectfully submitted,



PETER G. MORROS
State Engineer

PGM/RMT/bk

Dated this 28th day of
APRIL, 1989.

⁴ NRS Chapter 533.

⁵ NRS Chapter 533.370.