

IN THE OFFICE OF THE STATE ENGINEER
IN THE STATE OF NEVADA

IN THE MATTER OF APPLICATIONS 46144)
AND 46145 FILED TO APPROPRIATE THE)
WATERS OF KNUDSON SPRING #2 AND)
KNUDSON SPRING #1 LOCATED IN MARYS)
RIVER AREA, ELKO COUNTY, NEVADA.)

RULING

#3785

GENERAL

I.

Application 46144 was filed on September 15, 1982, by Dahl, Inc. and later assigned to Royce H. and Juanita I. Wood to appropriate 0.025 c.f.s. of water from Knudson Spring #2 for stockwatering of 800 head of cattle within Lot 4 and SW1/4 NW1/4 of Section 1, T.38N., R.61E., M.D.B.&M. The point of diversion is described as being within Lot 4 Section 1, T.38N., R.61E., M.D.B.&M.¹

Application 46145 was filed on September 15, 1982, by Dahl, Inc. and later assigned to Royce H. and Juanita I. Wood to appropriate 0.025 c.f.s. of water from Knudson Spring #1 for stockwatering of 800 head of cattle within Lot 4 and SW1/4 NW1/4 of Section 1, T.38N., R.61E., M.D.B.&M. The point of diversion is described as being within SW1/4 NW1/4 Section 1, T.38N., R.61E., M.D.B.&M.¹

FINDINGS OF FACT

I.

Applications 46144 and 46145 were field investigated by Robert Steward, Water Commissioner, on October 3, 1990. Flows from both springs were estimated at 0.04 c.f.s. and found to be tributary to the Humboldt River system via Bishop Creek.²

¹ Public record in the office of the State Engineer.

² Public record in the office of the State Engineer under Applications 46144 and 46145.

II.

The Sixth Judicial District Court found that the Humboldt River system and all of its tributaries are fully appropriated during the irrigation season.³ The subject applications seek to appropriate the water from January 1 to December 31 of each year.

CONCLUSIONS

I.

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

II.

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

- 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 State Engineer concludes that the sources sought in Applications 46144 and 46145 are tributary to the Humboldt River during the irrigation season and that the Humboldt River and its tributaries are fully appropriated.

³ In the Matter of the Determination of the Relative Rights of Claimants and Appropriators of the Waters of the Humboldt River Stream System and its Tributaries, No. 2804, Sixth Judicial District Court of the State of Nevada, in and for the County of Humboldt (Oct. 20, 1931).

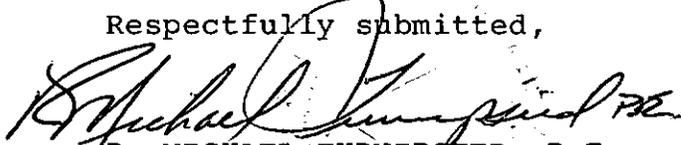
⁴ NRS 533.325.

⁵ NRS 533.370(3).

RULING

Applications 46144 and 46145 are hereby denied on the grounds that the Humboldt River and its tributaries are fully appropriated during the irrigation season and to approve said applications would impair the value of existing decreed rights.

Respectfully submitted,


R. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/SW/pm

Dated this 21st day of
February, 1991