

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

IN THE MATTER OF APPLICATIONS 65328,)
65430, 65431, 65432, 65433, 65435,)
65436, 65437, 65438, 65439, 65440,)
65441, 65442, 65443, 65444, 65446,)
65447, 65448 AND 65449 FILED TO)
APPROPRIATE THE PUBLIC WATERS OF AN)
UNDERGROUND SOURCE WITHIN THE SPRING)
VALLEY HYDROGRAPHIC BASIN (184),)
WHITE PINE AND LINCOLN COUNTIES,)
NEVADA.)

RULING

#5965

GENERAL

I.

Application 65328 was filed on July 23, 1999, by Kendle Bowler to appropriate 1.768 cubic feet per second (cfs) of water from an underground source within the Spring Valley Hydrographic Basin for the irrigation of 320 acres within the W½ of Section 5, T.13N., R.67E., M.D.B.&M. The proposed point of diversion is described as being located within the NE¼ SW¼ of said Section 5.¹ This water right application was filed in support of Desert Land Entry Application NVN 065973. The application was protested by the United States Department of Interior, National Park Service, (NPS).¹

II.

Application 65430 was filed on August 18, 1999, by Lisa Teeples to appropriate 1.77 cfs of water from an underground source within the Spring Valley Hydrographic Basin for the irrigation of 320 acres within the N½ of Section 12, T.9N., R.67E., M.D.B.&M. The proposed point of diversion is described as being located within the NE¼ NW¼ of said Section 12.² This water right application was filed in support of Desert Land Entry Application NVN 065992. The application was protested by the El Tejon Cattle Company, the Las Vegas Valley Water District and the NPS.²

¹ File No. 65328, official records in the Office of the State Engineer.

² File No. 65430, official records in the Office of the State Engineer.

III.

Application 65431 was filed on August 18, 1999, by Trista Lake to appropriate 1.77 cfs of water from an underground source within the Spring Valley Hydrographic Basin for the irrigation of 320 acres within the NE¼ of Section 2, T.9N., R.67E., and the SE¼ of Section 35, T.10N., R.67E., M.D.B.&M. The proposed point of diversion is described as being located within the NW¼ NE¼ of Section 2, T.9N., R.67E., M.D.B.&M.³ This water right application was filed in support of Desert Land Entry Application NVN 065988.

The application was protested by the El Tejon Cattle Company, the Las Vegas Valley Water District and the NPS.³

IV.

Application 65432 was filed on August 18, 1999, by Jason Dunn to appropriate 1.77 cfs of water from an underground source within the Spring Valley Hydrographic Basin for the irrigation of 320 acres within the W¼ of Section 1, T.9N., R.67E., M.D.B.&M. The proposed point of diversion is described as being located within the SW¼ NW¼ of said Section 1.⁴ This water right application was filed in support of Desert Land Entry Application NVN 065976. The application was protested by the El Tejon Cattle Company, the Las Vegas Valley Water District and the NPS.⁴

V.

Application 65433 was filed on August 18, 1999, by Heidi Dunn to appropriate 1.77 cfs of water from an underground source within the Spring Valley Hydrographic Basin for the irrigation of 320 acres within the E¼ of Section 1, T.9N., R.67E., M.D.B.&M. The proposed point of diversion is described as being located within the SW¼ NE¼ of said Section 1.⁵ This water right application was filed in support of Desert Land Entry Application NVN 065975. The application was protested by the El Tejon Cattle Company, the Las Vegas Valley Water District and the NPS.⁵

³ File No. 65431, official records in the Office of the State Engineer.

⁴ File No. 65432, official records in the Office of the State Engineer.

⁵ File No. 65433, official records in the Office of the State Engineer.

VI.

Application 65435 was filed on August 18, 1999, by Jeremy K. Teeples to appropriate 1.77 cfs of water from an underground source within the Spring Valley Hydrographic Basin for the irrigation of 320 acres within the NE¼ of Section 11, and the SE¼ of Section 2, T.9N., R.67E., M.D.B.&M. The proposed point of diversion is described as being located within the SE¼ SE¼ of Section 2, T.9N., R.67E. M.D.B.&M.⁶ This water right application was filed in support of Desert Land Entry Application NVN 065991. The application was protested by the El Tejon Cattle Company, the Las Vegas Valley Water District and the NPS.⁶

VII.

Application 65436 was filed on August 18, 1999, by Travis Hanberg to appropriate 1,280 acre-feet annually (afa) of water from an underground source within the Spring Valley Hydrographic Basin for the irrigation of 320 acres within the E½ of Section 4, T.10N., R.67E., M.D.B.&M. The proposed point of diversion is described as being located within the SE¼ NE¼ of said Section 4.⁷ This water right application was filed in support of Desert Land Entry Application NVN 065979. The application was protested by the El Tejon Cattle Company, the Las Vegas Valley Water District, the NPS and Lyman E. Huntsman.⁷

VIII.

Application 65437 was filed on August 18, 1999, by Rulon C. Jones to appropriate 1,280 afa of water from an underground source within the Spring Valley Hydrographic Basin for the irrigation of 320 acres within the E½ of Section 16, T.10N., R.67E., M.D.B.&M. The proposed point of diversion is described as being located within the SE¼ NE¼ of said Section 16.⁸ This water right application was filed in support of Desert Land Entry Application NVN 065986. The application was protested by the El Tejon Cattle

⁶ File No. 65435, official records in the Office of the State Engineer.

⁷ File No. 65436, official records in the Office of the State Engineer.

⁸ File No. 65437, official records in the Office of the State Engineer.

Company, the Las Vegas Valley Water District, the NPS and Lyman E. Huntsman.⁸

IX.

Application 65438 was filed on August 18, 1999, by Robin L. Bowler to appropriate 1,280 afa of water from an underground source within the Spring Valley Hydrographic Basin for the irrigation of 320 acres within the W½ of Section 3, T.10N., R.67E., M.D.B.&M. The proposed point of diversion is described as being located within the SE¼ NW¼ of said Section 3.⁹ This water right application was filed in support of Desert Land Entry Application NVN 06597301. The application was protested by the El Tejon Cattle Company, the Las Vegas Valley Water District and the NPS.⁹

X.

Application 65439 was filed on August 18, 1999, by Shirley T. Jones to appropriate 1,280 afa of water from an underground source within the Spring Valley Hydrographic Basin for the irrigation of 320 acres within the W½ of Section 15, T.10N., R.67E., M.D.B.&M. The proposed point of diversion is described as being located within the SE¼ NW¼ of said Section 15.¹⁰ This water right application was filed in support of Desert Land Entry Application NVN 065987. The application was protested by the El Tejon Cattle Company, the Las Vegas Valley Water District and the NPS.¹⁰

XI.

Application 65440 was filed on August 18, 1999, by Garrik Jones to appropriate 1,280 afa of water from an underground source within the Spring Valley Hydrographic Basin for the irrigation of 320 acres within the E½ of Section 8, T.10N., R.67E., M.D.B.&M. The proposed point of diversion is described as being located within the SW¼ NE¼ of said Section 8.¹¹ This water right application was filed in support of Desert Land Entry Application

⁹ File No. 65438, official records in the Office of the State Engineer.

¹⁰ File No. 65439, official records in the Office of the State Engineer.

¹¹ File No. 65440, official records in the Office of the State Engineer.

NVN 065984. The application was protested by the El Tejon Cattle Company, the Las Vegas Valley Water District, the NPS and Lyman E. Huntsman.¹¹

XII.

Application 65441 was filed on August 18, 1999, by Lync Jones to appropriate 1,280 afa of water from an underground source within the Spring Valley Hydrographic Basin for the irrigation of 320 acres within the W½ of Section 10, T.10N., R.67E., M.D.B.&M. The proposed point of diversion is described as being located within the SW¼ NW¼ of said Section 10.¹² This water right application was filed in support of Desert Land Entry Application NVN 065985. The application was protested by the El Tejon Cattle Company, the Las Vegas Valley Water District, the NPS and Lyman E. Huntsman.¹²

XIII.

Application 65442 was filed on August 18, 1999, by Justin K. Dunn to appropriate 1,280 afa of water from an underground source within the Spring Valley Hydrographic Basin for the irrigation of 320 acres within the W½ of Section 9, T.10N., R.67E., M.D.B.&M. The proposed point of diversion is described as being located within the SW¼ NW¼ of said Section 9.¹³ This water right application was filed in support of Desert Land Entry Application NVN 065977. The application was protested by the El Tejon Cattle Company, the Las Vegas Valley Water District, the NPS and Lyman E. Huntsman.¹³

XIV.

Application 65443 was filed on August 18, 1999, by Cari L. Dunn to appropriate 1,280 afa of water from an underground source within the Spring Valley Hydrographic Basin for the irrigation of 320 acres within the E½ of Section 9, T.10N., R.67E., M.D.B.&M. The proposed point of diversion is described as being located

¹² File No. 65441, official records in the Office of the State Engineer.

¹³ File No. 65442, official records in the Office of the State Engineer.

within the SE¼ NE¼ of said Section 9.¹⁴ This water right application was filed in support of Desert Land Entry Application NVN 065974. The application was protested by the El Tejon Cattle Company, the Las Vegas Valley Water District, the NPS and Lyman E. Huntsman.¹⁴

XV.

Application 65444 was filed on August 18, 1999, by Jill Hitch to appropriate 1,280 afa of water from an underground source within the Spring Valley Hydrographic Basin for the irrigation of 320 acres within the W¼ of Section 6, T.10N., R.67E., M.D.B.&M. The proposed point of diversion is described as being located within the SE¼ NW¼ of said Section 6.¹⁵ This water right application was filed in support of Desert Land Entry Application NVN 065980. The application was protested by the El Tejon Cattle Company, the Las Vegas Valley Water District, the NPS and Lyman E. Huntsman.¹⁵

XVI.

Application 65446 was filed on August 18, 1999, by Brenda Orton to appropriate 1,280 afa of water from an underground source within the Spring Valley Hydrographic Basin for the irrigation of 320 acres within the E¼ of Section 5, T.10N., R.67E., M.D.B.&M. The proposed point of diversion is described as being located within the SE¼ NE¼ of said Section 5.¹⁶ This water right application was filed in support of Desert Land Entry Application NVN 065989. The application was protested by the El Tejon Cattle Company, the Las Vegas Valley Water District, the NPS and Lyman E. Huntsman.¹⁶

XVII.

Application 65447 was filed on August 18, 1999, by Errol Orton to appropriate 1,280 afa of water from an underground source within the Spring Valley Hydrographic Basin for the irrigation of

¹⁴ File No. 65443, official records in the Office of the State Engineer.

¹⁵ File No. 65444, official records in the Office of the State Engineer.

¹⁶ File No. 65446, official records in the Office of the State Engineer.

320 acres within the W½ of Section 5, T.10N., R.67E., M.D.B.&M. The proposed point of diversion is described as being located within the SE¼ NW¼ of said Section 5.¹⁷ This water right application was filed in support of Desert Land Entry Application NVN 065990. The application was protested by the El Tejon Cattle Company, the Las Vegas Valley Water District and the NPS.¹⁷

XVIII.

Application 65448 was filed on August 18, 1999, by Emily Hanberg to appropriate 1,280 afa of water from an underground source within the Spring Valley Hydrographic Basin for the irrigation of 320 acres within the W½ of Section 4, T.10N., R.67E., M.D.B.&M. The proposed point of diversion is described as being located within the SE¼ NW¼ of said Section 4.¹⁸ This water right application was filed in support of Desert Land Entry Application NVN 065978. The application was protested by the El Tejon Cattle Company, the Las Vegas Valley Water District and the NPS.¹⁸

XIX.

Application 65449 was filed on August 18, 1999, by Brandon Humphries to appropriate 1.77 cfs of water from an underground source within the Spring Valley Hydrographic Basin for the irrigation of 320 acres within the N½ of Section 1, T.10N., R.66E., M.D.B.&M. The proposed point of diversion is described as being located within the NE¼ NW¼ of said Section 1.¹⁹ This water right application was filed in support of Desert Land Entry Application NVN 065983. The application was protested by the El Tejon Cattle Company, the Las Vegas Valley Water District and the NPS.¹⁹

¹⁷ File No. 65447, official records in the Office of the State Engineer.

¹⁸ File No. 65448, official records in the Office of the State Engineer.

¹⁹ File No. 65449, official records in the Office of the State Engineer.

FINDINGS OF FACT

I.

By review of the records of the United States Bureau of Land Management's (BLM) Case Recordation (Live) Serial Register Pages, the case records of the Desert Land Entry Applications mentioned herein are listed as "Case Closed" as of September 26, 2007. The State Engineer finds that Desert Land Entry Applications have been closed by the BLM and the Applicants do not have right of entry to the public lands identified under Applications 65328, 65430 through 65433, 65435 through 65444, and 65446 through 65449.

CONCLUSIONS

I.

The State Engineer has jurisdiction over the parties and the subject matter of this action and determination.²⁰

II.

The State Engineer is prohibited by law from granting a permit under an application to appropriate the public waters where:²¹

- A. there is no unappropriated water at the proposed source;
- B. the proposed use or change conflicts with existing rights;
- C. the proposed use or change conflicts with protectible interests in existing domestic wells as set forth in NRS § 533.024; or
- D. the proposed use or change threatens to prove detrimental to the public interest.

III.

Before either approving or rejecting an application, the State Engineer may require such additional information from the applicant as will enable him to properly guard the public interest.²²

²⁰ NRS chapters 533 and 534.

²¹ NRS § 533.370(5).

²² NRS § 533.375.

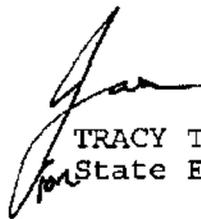
IV.

The State Engineer concludes the Applicants do not have legal access to the proposed places of use requested in the water right applications. The State Engineer concludes that without legal access to the place of use, the Applicants cannot place the water to beneficial use and to grant the applications under that circumstance would threaten to prove detrimental to the public interest.

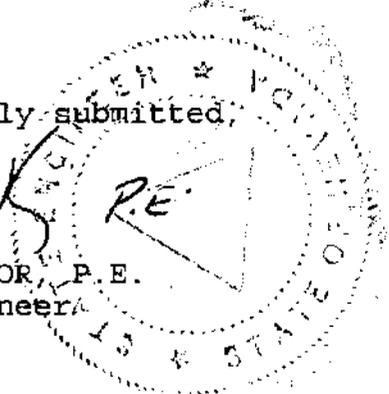
RULING

Applications 65328, 65430, 65431, 65432, 65433, 65435, 65436, 65437, 65438, 65439, 65440, 65441, 65442, 65443, 65444, 65446, 65447, 65448, and 65449 are hereby denied on the grounds that the Applicants do not have legal access to the places of use and granting the applications would threaten to prove detrimental to the public interest. No ruling is made on the merits of the protests.

Respectfully submitted,



TRACY TAYLOR, P.E.
State Engineer



TT/KMH/jm

Dated this 6th day of
March, 2009.