

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

A M E N D E D
ORDER

Mr. Thomas Achurra
Lamoille Waysack
Elko, Nevada 89801

This Amended Order is issued to correct an error made in the original Order No. 769 dated June 5, 1981.

Applications 37072, 37073, 37074 and 37075 were filed on March 19, 1979 by Thomas Achurra and were granted permits by this office on May 28, 1980.

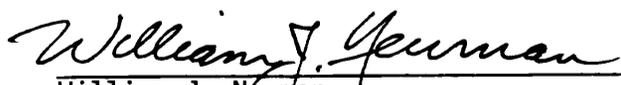
NRS 533.370 (4) requires the State Engineer to reject an application and refuse to issue a permit where there is no unappropriated water in the proposed source or where the proposed use conflicts with existing rights or threatens to prove detrimental to the public interest.

Detailed review and investigation confirms that the source of water under Permits 37072, 37073, 37074 and 37075 are tributary to the Humboldt River and that the permits were issued in error. The Humboldt River Decree declares the Humboldt River and tributaries to be fully appropriated for irrigation. (Bartlett Decree, Finding of Fact No. 44.)

By the Humboldt River Decree, the Sixth Judicial Court has determined there is no surplus unappropriated water for irrigation in the Humboldt River system, the State Engineer is without jurisdiction to grant new applications to appropriate water for irrigation purposes.

In addition, it is the opinion of the State Engineer that there are some years when water is available over and above that necessary to satisfy all rights, but that the direct diversion in those small quantities, once every few years, is not considered a beneficial use. By storage, surplus water can be accumulated, when available, and held long enough to place to a beneficial use.

Therefore, it is ordered that the granting of permits under Applications 37072, 37073, 37074 and 37075 be rescinded and no further proceeding be had thereunder.


William J. Newman
State Engineer

Dated this 8th day of
JUNE, 1981.