

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATION 37663)  
FILED TO APPROPRIATE THE PUBLIC)  
WATERS OF A SPRING IN LAMIOLE)  
VALLEY, ELKO COUNTY, NEVADA. )

RULING

GENERAL

Application 37663 was filed on April 3, 1979, by Trinity Ranch to appropriate 0.5 c.f.s. of water from a spring for stockwatering purposes within a portion of the E $\frac{1}{2}$  and NE $\frac{1}{4}$  SW $\frac{1}{4}$  Section 6, T.33N., R58E., M.D.B.&M. The point of diversion is described as being within the SW $\frac{1}{4}$  NE $\frac{1}{4}$  Section 6, T.33N., R.58E., M.D.B.&M.<sup>1</sup>

FINDINGS OF FACTS

I.

The source of water for Application 37663 falls within the area of Proof 00423 set forth in the Humboldt River Decree.<sup>2</sup>

II.

The applicant has been awarded rights to water stock in the Humboldt River Decree.<sup>3</sup>

III.

The Sixth Judicial District Court found that there is no surplus or unappropriated water in the Humboldt River or its tributaries.<sup>4</sup>

CONCLUSIONS

I.

The State Engineer has jurisdiction of the parties and the subject matter of this action and determination.<sup>5</sup>

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

<sup>2</sup> Bartlett Decree, Sixth Judicial District Court, 1931.

<sup>3</sup> Bartlett Decree, Sixth Judicial District Court, pg. 243.

<sup>4</sup> Humboldt River Decree (Bartlett Decree), Finding of Fact No. 44, pg. 28.

<sup>5</sup> NRS 533.375.

II.

The State Engineer is prohibited by law from granting a permit under an application to appropriate the public waters where:<sup>6</sup>

- A. There is no appropriated 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.

RULING

Pursuant to the foregoing Findings of Fact and Conclusions, Application 37663 is hereby denied on the grounds that there is no unappropriated water in the Humboldt River or its tributaries and that the lands on which the application was to be used already has rights to water stock as set forth in the decree.

Respectfully submitted,



PETER G. MORROS  
State Engineer

PGM/MT/11

Dated this 22nd day of

February, 1985.

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<sup>6</sup> NRS 533.370 (3).