

IN THE MATTER OF APPLICATIONS 37671 THRU 37694)  
FILED BY IRA H. AND NINA K. KENT AND SILVER)  
RANGE RANCH ON SURFACE WATER SOURCES IN)  
CARSON DESERT, CHURCHILL COUNTY, NEVADA. )

R U L I N G

INTRODUCTION

I

Applications 37671 thru 37694 were filed by Ira H. and Nina K. Kent and Silver Range Ranch to appropriate water from surface water sources as described under the Findings of Fact for stockwatering purposed within the Carson Desert Area (8-101) in Churchill County, Nevada. 1/

FINDINGS OF FACT

I

128  
88 Application 37671 was filed by Ira H. & Nina Kent and Silver Range Ranch on April 4, 1979, to appropriate 0.00892 c.f.s. of the waters of South Fork Freeman Creek Spring for stockwatering (700 head of cattle) purposes. The point of diversion is within the SE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 12, T.20N., R.33E., M.D.B.&M., and the place of use is within Section 12, T.20N., R.33E., M.D.B.&M.

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88 Application 37672 was filed by Ira H. & Nina Kent and Silver Range Ranch on April 4, 1979, to appropriate 0.04430 c.f.s. of the waters of Upper 11 Mile Spring for stockwatering (700 head of cattle) purposes. The point of diversion is within the SE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 5, T.19N., R.33E., M.D.B.&M., and the place of use is within Section 5, T.19N., R.33E., M.D.B.&M.

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88 Application 37673 was filed by Ira H. & Nina Kent and Silver Range Ranch on April 4, 1979, to appropriate 0.00446 c.f.s. of the waters of Wildhorse Spring for stockwatering (700 head of cattle) purposes. The point of diversion is within the NW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 21, T.19N., R.33E., M.D.B.&M., and the place of use is within Section 21, T.19N., R.33E., M.D.B.&M.

101 Application 37674 was filed by Ira H. & Nina Kent and Silver Range Ranch on April 4, 1979, to appropriate 0.01115 c.f.s. of the waters of West - West Lee Spring for stockwatering (700 head of cattle) purposes. The point of diversion is within the NW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 29, T.20N., R.33E., M.D.B.&M., and the place of use is within Section 29, T.20N., R.33E., M.D.B.&M.

101 Application 37675 was filed by Ira H. & Nina Kent and Silver Range Ranch on April 4, 1979, to appropriate 0.00223 c.f.s. of the waters of New West Lee Spring for stockwatering (700 head of cattle) purposes. The point of diversion is within the NW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 19, T.20N., R.33E., M.D.B.&M., and the place of use is within Section 19, T.20N., R.33E., M.D.B.&M.

101 Application 37676 was filed by Ira H. & Nina Kent and Silver Range Ranch on April 4, 1979, to appropriate 0.00223 c.f.s. of the waters of Frying Pan Spring for stockwatering (700 head of cattle) purposes. The point of diversion is within the NW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 34, T.20N., R.33E., M.D.B.&M., and the place of use is within Section 34, T.20N., R.33E., M.D.B.&M.

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Application 37677 was filed by Ira H. & Nina Kent and Silver Range Ranch on April 4, 1979, to appropriate 0.00223 c.f.s of the waters of Quaking Asp Spring for stockwatering (700 head of cattle) purposes. The point of diversion is within the NW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 34, T.20N., R.33E., M.D.B.&M., and the place of use is within Section 34, T.20N., R.33E., M.D.B.&M.

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Application 37678 was filed by Ira H. & Nina Kent and Silver Range Ranch on April 4, 1979, to appropriate 0.00446 c.f.s. of the waters of Gooseberry Spring for stockwatering (700 head of cattle) purposes. The point of diversion is within the NE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 8, T.19N., R.33E., M.D.B.&M., and the place of use is within Section 8, T.19N., R.33E., M.D.B.&M.

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Application 37679 was filed by Ira H. & Nina Kent and Silver Range Ranch on April 4, 1979, to appropriate 0.00223 c.f.s. of the waters of Slaughter Peak Spring for stockwatering (700 head of cattle) purposes. The point of diversion is within the NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 16, T.19N., R.33E., M.D.B.&M., and the place of use is within Section 16, T.19N., R.33E., M.D.B.&M.

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Application 37680 was filed by Ira H. Kent & Nina Kent and Silver Range Ranch on April 4, 1979, to appropriate 0.02230 c.f.s. of the waters of 11-Mile Cabin Spring for stockwatering (700 head of cattle) purposes. The point of diversion is within NE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 8, T.19N., R.33E., M.D.B.&M., and the place of use is within Section 8, T.19N., R.33E., M.D.B.&M.

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Application 37681 was filed by Ira H. & Nina Kent and Silver Range Ranch on April 4, 1979, to appropriate 0.00446 c.f.s. of the waters of South Fork Shirtail Spring for stockwatering (700 head of cattle) purposes. The point of diversion is within the SW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 7, T.19N., R.33E., M.D.B.&M., and the place of use is within Section 7, T.19N., R.33E., M.D.B.&M.

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Application 37682 was filed by Ira H. & Nina Kent and Silver Range Ranch on April 4, 1979, to appropriate 0.00892 c.f.s. of the waters of Lower Shirtail Spring for stockwatering (700 head of cattle) purposes. The point of diversion is within the SE $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 12, T.19N., R.32E., M.D.B.&M., and the place of use is within Section 12, T.19N., R.32E., M.D.B.&M.

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Application 37683 was filed by Ira H. & Nina Kent and Silver Range Ranch on April 4, 1979, to appropriate 0.00669 c.f.s. of the waters of Hike Spring for stockwatering (700 head of cattle) purposes. The point of diversion is within the NW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 29, T.19N., R.33E., M.D.B.&M., and the place of use is within Section 29, T.19N., R.33E., M.D.B.&M.

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Application 37684 was filed by Ira H. & Nina Kent and Silver Range Ranch on April 4, 1979, to appropriate 0.00446 c.f.s. of the waters of East Lee Timber Spring for stockwatering (700 head of cattle) purposes. The point of diversion is within the SW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 9, T.19N., R.33E., M.D.B.&M., and the place of use is within Section 9, T.19N., R.33E., M.D.B.&M.

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Application 37685 was filed by Ira H. & Nina Kent and Silver Range Ranch on April 4, 1979, to appropriate 0.00446 c.f.s. of the waters of South Fork East Lee Spring for stockwatering (700 head of cattle) purposes. The point of diversion is within the SE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 4, T.19N., R.33E., M.D.B.&M., and the place of use is within Section 4, T.19N., R.33E., M.D.B.&M.

128 Application 37686 was filed by Ira H. & Nina Kent and Silver Range Ranch on April 4, 1979, to appropriate 0.01115 c.f.s. of the waters of Sheep Creek Spring for stockwatering (700 head of cattle) purposes. The point of diversion is within the SE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 26, T.20N., R.33E., M.D.B.&M., and the place of use is within Section 26, T.20N., R.33E., M.D.B.&M.

128 Application 37687 was filed by Ira H. & Nina Kent and Silver Range Ranch on April 4, 1979, to appropriate 0.00669 c.f.s. of the waters of East Pete Canyon Spring for stockwatering (700 head of cattle) purposes. The point of diversion is within the NW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 25, T.20N., R.33E., M.D.B.&M., and the place of use is within Section 25, T.20N., R.33E., M.D.B.&M.

128 Application 37688 was filed by Ira H. & Nina K. Kent on April 4, 1979, to appropriate 0.00223 c.f.s. of the waters of Fitz Corral Spring for stockwatering (700 head of cattle) purposes. The point of diversion is within the NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 12, T.18N., R.32E., M.D.B.&M., and the place of use is within Section 12, T.18N., R.32E., M.D.B.&M.

128 Application 37689 was filed by Ira H. & Nina K. Kent on April 4, 1979, to appropriate 0.00223 c.f.s. of the waters of Head LaPlata Spring for stockwatering (700 head of cattle) purposes. The point of diversion is within the SW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 30, T.19N., R.33E., M.D.B.&M., and the place of use is within Section 30, T.19N., R.33E., M.D.B.&M.

128 Application 37690 was filed by Ira H. & Nina K. Kent on April 4, 1979, to appropriate 0.00669 c.f.s. of the waters of LaPlata Spring for stockwatering (700 head of cattle) purposes. The point of diversion is within the NE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 6, T.18N., R.33E., M.D.B.&M., and the place of use is within Section 6, T.18N., R.33E., M.D.B.&M.

128 Application 37691 was filed by Ira H. & Nina K. Kent on April 4, 1979, to appropriate 0.00669 c.f.s. of the waters of Upper Mullholland Spring for stockwatering (700 head of cattle) purposes. The point of diversion is within the NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 36, T.19N., R.32E., M.D.B.&M., and the place of use is within Section 36, T.19N., R.32E., M.D.B.&M.

128 Application 37692 was filed by Ira H. & Nina K. Kent on April 4, 1979, to appropriate 0.00669 c.f.s. of the waters of Lower Mullholland Spring for stockwatering (700 head of cattle) purposes. The point of diversion is within the NW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 31, T.19N., R.33E., M.D.B.&M., and the place of use is within Section 31, T.19N., R.33E., M.D.B.&M.

128 Application 37693 was filed by Ira H. & Nina K. Kent on April 4, 1979, to appropriate 0.00892 c.f.s. of the waters of Black Nob Spring for stockwatering (700 head of cattle) purposes. The point of diversion is within the SW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 4, T.18N., R.33E., M.D.B.&M., and the place of use is within Section 4, T.18N., R.33E., M.D.B.&M.

128 Application 37694 was filed by Ira H. & Nina K. Kent on April 4, 1979, to appropriate 0.00223 c.f.s. of the waters of Burnt Cabin Spring for stockwatering (700 head of cattle) purposes. The point of diversion is within the NE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 33, T.19N., R.33E., M.D.B.&M., and the place of use is within Section 33, T.19N., R.33E., M.D.B.&M.

## II

Applications 37671 thru 37694 were protested 2/ on February 4, 1980, by the U.S. Government, Bureau of Land Management, Carson City District, 1050 E. William Street, Suite 335, Carson City, Nevada 89701 on the grounds:

"U.S. Bureau of Land Managment needs water to guarantee water availability for all livestock grazing, both present and future. This water is located in the Mountain Well and LaPlata grazing allotments and it is estimated that 725 cows will use the allotments year 'round."

## III

The records of the State Engineer's office indicate that proofs of appropriation have been filed by Ira H. & Nina Kent and Silver Range Ranch on all the sources of water under applications 37671 thru 37694 3/ and that these proofs of appropriation are the only claims of existing rights of record on the sources. 4/

## IV

Information on file in the State Engineer's office indicates that Ira H. & Nina Kent and Silver Range Ranch have a grazing permit for 725 cattle within the Mountain Well - LaPlata allotment. 5/

## V

Information on file in the State Engineer's office indicates that the appropriation and place of use of the waters sought under applications 37671 thru 37694 are within the grazing allotment of Ira H. & Nina Kent and Silver Range Ranch. 6/

## VI

Information available to the State Engineer indicates that the right and use applied for under applications 37671 thru 37694 will not interfere with or impair the customary grazing use of the public range or impair existing or subsisting rights. 7/

## VII

Information of record in the office of the State Engineer indicates that the applicants claim to have made customary use of the range and waters described in the sources herein since prior to 1905. 8/

## CONCLUSIONS

### I

The State Engineer has jurisdiction of the parties and the subject matter of this action. 9/

### II

The State Engineer is required by statute to approve all applications made in proper form where:

- A. All fees have been paid which contemplate the application of water to beneficial use.
- B. The proposed use does not tend to impair the value of existing rights, or to be otherwise detrimental to the public welfare. 10/

### III

The watering of livestock is declared to be a beneficial use and the right to use water for that purpose may be acquired in the same manner as the right to use water for any other beneficial purpose. 11/

### IV

There is no evidence that subsisting or existing rights will be impaired or that the issuance of permits under applications 37671 thru 37694 will be detrimental to the public interest or orderly management of the public range. 12/

RULING

The protests to the granting of applications 37671 thru 37694 are herewith overruled on the grounds that the granting of permits will not tend to impair the value of existing rights or be otherwise detrimental to the public welfare. Permits will be granted to applications 37671 thru 37694 upon payment of the statutory fees. The amount of water allowed under applications 37671 thru 37694 shall be limited to that amount sufficient to water 700 head of cattle under each application. The total combined amount of water under applications 37671 thru 37694 and any other claims of existing rights shall not exceed that amount sufficient to water 725 head of cattle.

Respectfully Submitted,



William J. Newman  
State Engineer

WJN/PGM/mc

Dated this 16th day

of           MAY          , 1980

## FOOTNOTES

1. Public record available in the office of the State Engineer.
2. Public record available in the office of the State Engineer.
3. Public record available in the office of the State Engineer.
4. Public record available in the office of the State Engineer.
5. Public record available in the office of the State Engineer.
6. Public record available in the office of the State Engineer.
7. NRS 533.500
8. NRS 533.500
9. NRS 534.020
10. NRS 533.370, Section 1
11. NRS. 533.490, Section 1
12. Public record available in the office of the State Engineer and NRS. 533.495, 533.370, Section 4.