

IN THE MATTER OF APPLICATIONS )  
46418, 46419 AND 46420 FILED FOR )  
SURFACE WATERS IN THE NORTH FORK )  
AREA AND APPLICATIONS 46542 AND )  
46543 FILED IN THE SUSIE CREEK AREA )  
IN ELKO COUNTY, NEVADA. )

RULING

GENERAL

Application 46418<sup>1</sup> was filed on December 8, 1982, by Glaser Land and Livestock to appropriate 0.25 c.f.s. of the waters of an unnamed surface source to be diverted within the NE1/4 NE1/4 Section 28, T.39N., R.56E., M.D.B.&M., and to be used for stockwatering purposes within the NE1/4 NE1/4 Section 28, T.39N., R.56E., M.D.B.&M.

Application 46419<sup>2</sup> was filed on December 8, 1982, by Glaser Land and Livestock to appropriate 0.25 c.f.s. of the waters of an unnamed surface source to be diverted within the SW1/4 NE1/4 Section 29, T.39N., R.56E., M.D.B.&M., and to be used for stockwatering purposes within the SW1/4 NE1/4 Section 29, T.39N., R.56E., M.D.B.&M.

Application 46420<sup>3</sup> was filed on December 8, 1982, by Glaser Land and Livestock to appropriate 0.25 c.f.s. of the waters of an unnamed surface source to be diverted within the NE1/4 NW1/4 Section 28, T.39N., R.56E., M.D.B.&M., and to be used for stockwatering purposes within the NE1/4 NW1/4 Section 28, T.39N., R.56E., M.D.B.&M.

Application 46542<sup>4</sup> was filed on January 17, 1983, by Dressi Ranching Co., to appropriate 0.10 c.f.s. of the waters of an unnamed surface source to be diverted within the NE1/4 SE1/4 Section 19, T.35N., R.54E., M.D.B.&M., and to be used for stockwatering purposes within the NE1/4 SE1/4 Section 19, T.35N., R.54E., M.D.B.&M.

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<sup>1</sup> Application 46418 is a public record on file in the office of the State Engineer.

<sup>2</sup> Application 46419 is a public record on file in the office of the State Engineer.

<sup>3</sup> Application 46420 is a public record on file in the office of the State Engineer.

<sup>4</sup> Application 46542 is a public record on file in the office of the State Engineer.

Application 46543<sup>5</sup> was filed on January 17, 1983, by Dressi Ranching Co. to appropriate 0.10 c.f.s. of the waters of an unnamed surface source to be diverted within the SE1/4 SE1/4 Section 16, T.34N., R.54E., M.D.B.&M., and to be used for stockwatering purposes within the SE1/4 SE1/4 Section 16, T.34N., R.54E., M.D.B.&M.

No protests to the granting of Applications 46418, 46419, 46420, 46542 and 46543 were filed in this office.

FINDINGS OF FACT

I.

The unnamed surface waters identified as the source of water in Application 46418 is tributary to the North Fork of the Humboldt River.<sup>6</sup>

II.

The unnamed surface waters identified as the source of water in Application 46419 is tributary to the North Fork of the Humboldt River.<sup>7</sup>

III.

The unnamed surface waters identified as the source of water in Application 46420 is tributary to the North Fork of the Humboldt River.<sup>8</sup>

IV.

The unnamed surface runoff identified as the source of water in Application 46542 is tributary to Susie Creek which is in turn tributary to the Humboldt River.<sup>9</sup>

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<sup>5</sup> Application 46543 is a public record on file in the office of the State Engineer.

<sup>6</sup> Field investigation report filed with Application 46418 in the office of the State Engineer.

<sup>7</sup> Field investigation report filed with Application 46419 in the office of the State Engineer.

<sup>8</sup> Field investigation report filed with Application 46420 in the office of the State Engineer.

<sup>9</sup> USGS 7-1/2 Minute Quadrangle Map "Adobe Summit, Nev.", 1962 (237B)

V.

The unnamed surface runoff identified as the source of water in Application 46543 is tributary to the Humboldt River.<sup>10</sup>

CONCLUSIONS

I.

The State Engineer has jurisdiction of the parties and the subject matter of these applications.<sup>11</sup>

II.

The State Engineer is prohibited by law from granting a permit where:

- A. There is no unappropriated water in the source, or
- B. Its proposed use or change conflicts with existing rights, or
- C. The proposed use threatens to prove detrimental to the public interest.<sup>12</sup>

III.

In the Bartlett Decree for the Humboldt River Adjudication, the Court states under finding of fact No. 44 that the stream system is fully appropriated.<sup>13</sup>

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<sup>10</sup> USGS 7-1/2 Minute Quadrangle Map "Hunter Nevada", 1962 (237C)

<sup>11</sup> NRS 533.325.

<sup>12</sup> NRS 533.370, subsection 3.

<sup>13</sup> The Humboldt River Adjudication 1923-1938. The Bartlett Decree Findings of Fact No. 44, P-28, Humboldt County, Nevada.

RULING

Applications 46418, 46419, 46420, 46542 and 46543 are hereby denied on the grounds there is no unappropriated water in the source as set forth in the Final Judgment and Decree of the Humboldt River Adjudication and further that the granting of the applications would tend to impair the value of existing rights.

Respectfully submitted,

  
Peter G. Morros  
State Engineer

PGM/GC/b1

Dated this 2nd day of  
APRIL, 1984.