

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATIONS 45211,)
45212, 45213, 45214 AND 45442 FILED TO)
APPROPRIATE SURFACE WATERS IN THE)
CARLIN AREA, ELKO COUNTY, NEVADA.)

RULING

GENERAL

Application 45211 was filed on January 14, 1982, by Carlin Gold Mining Co. to appropriate 0.5 c.f.s. of water from Woodruff Springs for road construction and domestic purposes within Sections 1, 2, 3, 11 and 12, T.32N., R.52E., M.D.B.&M.; Sections 7, 16, 17, 18, 21, 27, 28, 33 and 34 T.32N., R.53E. M.D.B.&M.; and Section 34 T.33N., R.52E., M.D.B.&M. The point of diversion is described as being within the NW1/4 NE1/4 Section 25, T.32N., R.52E., M.D.B.&M.¹

Application 45212 was filed on January 14, 1982, by Carlin Gold Mining Co. to appropriate 0.5 c.f.s. of water from surface runoff for road construction purposes within the Sections 1, 2, 3, 11 and 12, T.32N., R.52E., M.D.B.&M.; Sections 7, 16, 17, 18, 21, 27, 28, 33 and 34 T.32N., R.53E. M.D.B.&M.; and Section 34 T.33N., R.52E., M.D.B.&M. The point of diversion is described as being within Lot 12 Section 7, T.32N., R.53E., M.D.B.&M.¹

Application 45213 was filed on January 14, 1982, by Carlin Gold Mining Co. to appropriate 0.5 c.f.s. of water from surface runoff for road construction purposes within the Sections 1, 2, 3, 11 and 12, T.32N., R.52E., M.D.B.&M.; Sections 7, 16, 17, 18, 21, 27, 28, 33 and 34 T.32N., R.53E. M.D.B.&M.; and Section 34 T.33N., R.52E., M.D.B.&M. The point of diversion is described as being within the NW1/4 NE1/4 Section 12, T.32N., R.52E., M.D.B.&M.¹

Application 45214 was filed on January 14, 1982, by Carlin Gold Mining Co. to appropriate 0.5 c.f.s. of water from surface runoff for road construction purposes within the Sections 1, 2, 3, 11 and 12, T.32N., R.52E., M.D.B.&M.; Sections 7, 16, 17, 18, 21, 27, 28, 33 and 34 T.32N., R.53E. M.D.B.&M.; and Section 34 T.33N., R.52E., M.D.B.&M. The point of diversion is described as being within the SE1/4 NE1/4 Section 3, T.32N., R.52E., M.D.B.&M.¹

Application 45442 was filed on March 11, 1982, by Carlin Gold Mining Co. to appropriate 0.5 c.f.s. of water from surface runoff for road construction purposes within the Sections 1, 2, 3, 11 and 12, T.32N., R.52E., M.D.B.&M.; Sections 7, 16, 17, 18, 21, 27, 28, 33 and 34 T.32N., R.53E. M.D.B.&M.; and Section 34 T.33N., R.52E., M.D.B.&M. The point of diversion is described as being within the SE1/4 NW1/4 Section 20, T.32N., R.53E., M.D.B.&M.¹

¹ Public record in the office of the State Engineer under Applications 45211, 45212, 45213, 45214 and 45442.

FINDINGS OF FACT

I.

The Woodruff Springs water identified as the source of water under Application 45211 is tributary to Woodruff Creek which is in turn tributary to the Humboldt River.²

II.

The surface runoff identified as the source of water under Applications 45212 and 45442 is tributary to Tonka Creek which is in turn tributary to the Humboldt River.²

III.

The surface runoff identified as the source of water under Application 45213 is tributary to Rye Patch Canyon which is in turn tributary to the Humboldt River.²

IV.

The surface runoff identified as the source of water under Application 45214 is tributary to an unnamed draw which is in turn tributary to the Humboldt River.²

CONCLUSIONS

I.

The State Engineer has jurisdiction of the parties and the subject matter of this action.³

II.

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

- A. there is no unappropriated water in 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.⁴

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.⁵

² Field investigation report filed under Applications 45211, 45212, 45213, 45214 and 45442, public record in the office of the State Engineer.

³ NRS 533.325.

⁴ NRS 533.370, subsection 3.

⁵ The Humboldt River Adjudication, 1923-1938. The Bartlett Decree, Findings of Fact No. 44, p. 28, Humboldt County, Nevada.

RULING

Applications 45211, 45212, 45213, 45214 and 45442 are hereby denied on the grounds that 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

A handwritten signature in black ink, appearing to read "Peter G. Morros", written over a horizontal line.

Peter G. Morros
State Engineer

PGM/MT/bl

Dated this 5th day of

December, 1984.