

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATIONS 45465)
AND 47327 FILED TO APPROPRIATE THE)
PUBLIC WATERS OF RANCH SPRINGS IN)
LIDA VALLEY, ESMERALDA COUNTY,))
NEVADA.)

RULING

GENERAL

Application 45465 was filed on March 24, 1982, by Lida Livestock to appropriate 0.01 c.f.s. of water from Ranch Springs for stockwatering purposes within the NW1/4 NW1/4 Section 23, T.6S., R.40E., M.D.B.&M.; and the SW1/4 NW1/4 Section 30, NW1/4 SW1/4 Section 34, T.6S., R.41E., M.D.B.&M. The point of diversion is described as being within the NW1/4 NW1/4 Section 23, T.6S., R.40E., M.D.B.&M.¹

Application 47327 was filed on October 17, 1983, by Wolff Milling and Mining to appropriate 0.5 c.f.s. of water from Ranch Springs for mining, milling and domestic purposes within the S1/2 Section 4, T.7S., R.41-1/2 E., M.D.B.&M. The point of diversion is described as being within the NW1/4 NW1/4 Section 23, T.6S., R.40E., M.D.B.&M.¹

Application 45465 was timely protested by Andrew L. Dumas on August 4, 1982, on the grounds that Ranch Springs does not provide enough water for this additional request without impairing the existing right of Permit 45240 held by Esmeralda County to serve the residents of Goldpoint.¹

Application 47327 was timely protested by John Spann on December 12, 1983; by Andrew L. Dumas on December 19, 1983; by Herb Robbins on December 30, 1983; by Carolyn M. McMullen on December 30, 1983; by Thomas W. Fackrell on January 6, 1984; and by Jack and Joan Vogt on January 30, 1984, on the grounds that Ranch Springs does not provide enough water for this additional request without impairing the existing rights of Permit 45240.¹

After notice to all parties, a field investigation was held on May 31, 1984, to gather additional information and to attempt to resolve the protests.¹

The spring which is the source of water under Applications 45465, 47327 and Permit 45240 was measured at 20 gallons per minute.

FINDINGS OF FACT

I.

Permit 45240 for 0.03 c.f.s. - 0.183 million gallons annually, was filed by Esmeralda County to serve the residents of Goldpoint.²

¹ Public record in the office of the State Engineer under Applications 45465 and 47327.

² Public record in the office of the State Engineer under Permit 45240.

II.

The field investigation disclosed a flow of 20 gallons per minute from the source of Ranch Springs.

CONCLUSIONS

I.

The State Engineer³ has jurisdiction of the parties and the subject matter of this action and determination.

II.

The State Engineer is prohibited by law from granting a permit under an application to appropriate the public waters where:⁴

- 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.

III.

The evidence and information available does not indicate that there will be any adverse effects on existing rights if Application 45465 is granted.

RULING

The protest to the granting of Application 45465 is hereby overruled on the grounds that granting said application will not tend to impair the value of existing rights or be otherwise detrimental to the public welfare. A permit will be issued under said application on receipt of the statutory permit fees and subject to existing rights.

³ NRS 533.325.

⁴ NRS 533.370, subsection 3.

The protests to the granting of Application 47327 are upheld and Application 47327 is hereby denied on the grounds that there is not sufficient water available at the respective source and that the approval of a permit on this source would interfere with existing rights.

Respectfully submitted,



PETER G. MORROS
State Engineer

PGM/MD/bl

Dated this 19th day of

March, 1985.