

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATIONS 3863)
AND 7664 FILED TO APPROPRIATE THE)
PUBLIC WATERS OF ASH SPRING CREEK)
AND ASH SPRING, RESPECTIVELY, IN THE)
PAHRANAGAT LAKE VALLEY, LINCOLN)
COUNTY, NEVADA.)

RULING

GENERAL

Application 3863 was filed on April 5, 1916, by Gardner Ranch Co. to appropriate 4.0 c.f.s. of water from Ash Spring Creek for winter irrigation purposes on 170 acres of land within the N1/2 Section 18 and Section 7, T.6S., R.61E., M.D.B.&M. The point of diversion is described as being within the NE1/4 SE1/4 Section 1, T.6S., R.60E., M.D.B.&M.¹

Application 7664 was filed on March 15, 1926, by Gardner Ranch Co., Alamo Irrigation Co. and Lawrence Richards to appropriate 6.427 c.f.s. of water from Ash Springs for summer irrigation purposes on 227.6 acres of land and winter irrigation purposes on 415.1 acres of land within portions of Sections 1 and 12, T.6S., R.60E., M.D.B.&M.; portions of Sections 7 and 18, T.6S., R.61E., M.D.B.&M.; portions of Sections 5, 8, 16 and 17, T.7S., R.61E., M.D.B.&M.; and portions of Sections 2, 11, 14, 23, 24 and 25, T.8S., R.61E., M.D.B.&M. The point of diversion is described as being within the NE1/4 NE1/4 Section 1, NE1/4 SE1/4 Section 30, T.6S., R.61E., M.D.B.&M., and NE1/4 NE1/4 Section 3, T.8S., R.61E., M.D.B.&M.¹

FINDINGS OF FACT

I.

The source of water for both applications is Ash Springs which is tributary to Pahranaagat Lake.²

II.

The rights to the source, both winter and summer, have been adjudicated "In the Matter of the Determination of the Relative Rights in and to the Waters of Pahranaagat Lake and Its Tributaries, Lincoln County, Nevada."³ This decree has been affirmed by the U.S. District Court, District of Nevada.⁴

¹ Public record in the office of the State Engineer.

² U.S.G.S. 7-1/2 minute quadrangel maps titled Ash Springs, Nevada and Alamo, Nevada.

³ Nevada Seventh Judicial District Court, Case No. 3160.

⁴ U.S. v. George W. Hennen, State Engineer, et al., Civil No. LV-927, U.S. District Court, District of Nevada, May 1, 1968, Roger D. Foley, District Judge.

III.

In addition to the rights enumerated in the above-mentioned decree, the State Engineer has on file Certificate 327 in the amount of 1.622 c.f.s. for the irrigation of 162.2 acres; Certificate 3426-1 in the amount of 729.6 acre-feet for the irrigation of 182.4 acres; and Certificate 3426-2 for 1397.6 acre-feet for the irrigation of 349.4 acres, all in the name of the United States for the Pahrnagat Lake National Wildlife Refuge.¹

IV.

The United States of America is the successor in interest to the Gardner Ranch Co.⁵

CONCLUSIONS

I.

The State Engineer has jurisdiction of the parties and the subject matter of this action and determination.⁶

II.

The State Engineer is prohibited by law⁷ from granting a permit under an application to appropriate the public waters where:

- A. There is no unappropriated 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 State Engineer has denied Applications 7663, 6324, 5680, 6650 and 6651 on the grounds that there is no unappropriated water in Pahrnagat Lake or its tributaries.¹

⁵ See Opinion dated May 1, 1968, of District Judge Roger D. Foley in U.S. v. George W. Hennen, State Engineer, et al., Civil No. LV-727.

⁶ NRS 533.025 and NRS 533.030(1).

⁷ NRS 533.370(3).

RULING

Applications 3863 and 7664 are hereby denied on the grounds that there is no unappropriated water in the source, winter or summer, and the approval of said applications would 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 17th day of
April, 1985.