

**IN THE OFFICE OF THE STATE ENGINEER**

IN THE MATTER OF APPLICATION 35031)  
FILED TO APPROPRIATE THE PUBLIC)  
WATERS OF AN UNNAMED SPRING IN)  
DAYTON VALLEY, LYON COUNTY, NEVADA.)

**RULING**

**GENERAL**

Application 35031 was filed on February 27, 1978, by Stagecoach Land Company, Inc., to appropriate 0.05 c.f.s. of water from an Unnamed Spring for irrigation purposes on 400 acres of land within portions of Sections 1, 2, 4 and 9, T.17N., R.23E.; Section 6, T.17N., R.24E.; Sections 25 through 36, inclusive, T.18N., R.23E.; and Sections 30 and 31, T.18N., R.24E., M.D.B.&M. The point of diversion is described as being within the SW1/4 SE1/4 Section 29, T.18N., R.23E., M.D.B.&M.<sup>1</sup>

A field investigation was conducted on August 10, 1982, to examine the source of the application.<sup>1</sup> The point of diversion was found to be in a dry ravine that was fed by a spring area that was also dry at the time of the investigation.

A field investigation was conducted again on May 10, 1985, to re-examine the source of water for Application 35031.<sup>1</sup> The point of diversion in the ravine was still dry. The spring area at the head of the ravine had three small holes dug for stockwater. Seepage into these holes was estimated not to exceed 1 to 2 gallons per minute.

**FINDINGS OF FACT**

I.

The proposed source of water for Application 35031 is located in a dry ravine that is fed by a spring area located approximately one-half mile to the northwest. The point of diversion and the spring area was found to be dry on August 10, 1982. On May 10, 1985, the point of diversion was again dry and the spring area had three small dry holes for stockwater that originated from seeps totaling not more than 1 to 2 gallons per minute.

II.

There was no indication from the two field investigations that the proposed source of water would supply water for irrigation purposes.

III.

NRS 533.367 provides the requirement to insure access of wildlife to water it customarily uses. Before a person may obtain a right to the use of the water from a spring or water which has seeped to the surface of the ground, he must insure that wildlife which customarily uses the water will have access to it. Evidence and information available to the State Engineer indicates that the source under the subject application is minimumly sufficient to provide water for wildlife that frequent the area.

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<sup>1</sup> Public record in the office of the State Engineer under Application 35031.

CONCLUSIONS

I.

The State Engineer has jurisdiction of the parties and the subject matter of this action and determination.<sup>2</sup>

II.

The State Engineer is prohibited by law from granting a permit under an application to appropriate the public waters where:<sup>3</sup>

- 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 evidence and information available does not indicate there is sufficient surface water available at the source to provide for irrigation as proposed under Application 35031.

RULING

Application 35031 is hereby denied on the grounds that there is an insufficient amount of water for the proposed use.

Respectfully submitted,



PETER G. MORROS  
State Engineer

PGM/MT/bl

Dated this 30th day of  
May, 1985.

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<sup>2</sup> NRS 533.325.

<sup>3</sup> NRS 533.370(3).