

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATION 25995)
FILED TO APPROPRIATE THE PUBLIC)
WATERS OF HORSE SPRINGS IN WARM)
SPRINGS VALLEY, WASHOE COUNTY,)
NEVADA.)

RULING

GENERAL

I.

Application 25995 was filed on March 10, 1971, by W. Dalton La Rue, Sr., and Juanita S. La Rue, dba Winnemucca Ranch, to appropriate 0.1 c.f.s. of water from Horse Springs for stockwatering and domestic purposes (1200 head of cattle) within the Sections 31 and 32, T.25N., R.20E., M.D.B.&M. The point of diversion is described as being within the NE1/4 SE1/4 Section 32, T.25N., R.20E., M.D.B.&M.¹

II.

On February 18, 1972, a Petition was filed with the State Engineer to adjudicate the relative rights to Horse Springs and its tributaries.¹ On July 7, 1972, after proper notice and field investigation, the State Engineer entered an order granting the Petition and made arrangements to proceed with the adjudication.²

III.

The adjudication was completed which resulted in the Second Judicial District Court entering its Findings of Fact, Conclusions of Law, Judgment and Decree on February 24, 1982.³

FINDINGS OF FACT

I.

The Second Judicial District Court, after due consideration of objections and appeals, decreed the relative rights to Horse Springs as follows:

¹ Public record in the office of the State Engineer.

² NRS 533.090. See also, In the Matter of the Relative Rights in and to the Waters of Horse Springs, Second Judicial District Court.

³ Public record on file with the Second Judicial District Court.

PROOF NO: Amended 02731
CLAIMANT: Robert W. Marshall and Nannette Marshall, Robert Dickenson and Dorothy Dickenson, dba Intermountain Land Co.
SOURCE: Horse Springs
USE: Stockwatering
MEANS OF DIVERSION: Collection box, pipeline and troughs.
POINT OF DIVERSION: NE1/4 SE1/4 Section 32, T.25N., R.20E., M.D.B.&M., or at a point from which the NE corner of Section 28, T.25N., R.20E., M.D.B.&M., bears N. 35 degrees 23' E., a distance of 10,713 feet.
PERIOD OF USE: March 15th through December 15th of each year.
PRIORITY: 1860
AMOUNT OF APPROPRIATION: 0.00156 c.f.s. or sufficient to water 50 head of cattle.
DESCRIPTION OF WORKS OF DIVERSION, MANNER AND PLACE OF USE:
A pipe conveys water from a collection box at the spring, under the range fence to two troughs located in the SE1/4 SE1/4 Section 32, T.25N., R.20E., M.D.B.&M., where cattle are watered.

PROOF NO: 02829
CLAIMANT: W. Dalton LaRue, Sr., and Juanita S. LaRue, dba Winnemucca Ranch
SOURCE: Horse Springs
USE: Stockwatering
MEANS OF DIVERSION: Collection box, pipeline and troughs.
POINT OF DIVERSION: NE1/4 SE1/4 Section 32, T.25N., R.20E., M.D.B.&M., or at a point from which the NE corner of Section 28, T.25N., R.20E., M.D.B.&M., bears N. 35 degrees 23' E., a distance of 10,713 feet.
PERIOD OF USE: March 15th through December 15th of each year.
PRIORITY: 1860
AMOUNT OF APPROPRIATION: 0.00156 c.f.s. or sufficient to water 50 head of cattle.
DESCRIPTION OF WORKS OF DIVERSION, MANNER AND PLACE OF USE:
A pipe conveys water from a collection box at the spring to a nearby trough where cattle are watered in the same subdivision as the point of diversion.

II.

Horse Spring was measured by representatives of the State Engineers office and was found to produce 2.4 gallons per minute (.00535 c.f.s.).⁴

III.

The record of evidence establishes that the subject source of water has a minimal flow sufficient to satisfy existing rights and provide water for wildlife that customarily use the source. To grant Application 25995, would interfere with existing rights and detrimentally affect a wildlife watering source.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 law, from granting a permit under an application to appropriate the public waters where:⁷

- 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 finds that existing decreed rights consume all but a small portion of the flow of Horse Springs and that the balance must be left at the source for the wildlife that cusomarily use it.

⁴ See Report of Field Investigation No. 450 on file in the office of the State Engineer. See also, Findings of Fact No. 13, In the Matter of the Determination of the Relative Rights in and to the Waters of Horse Springs, Second Judicial District Court.

⁵ NRS 533.367. See also, footnote 4.

⁶ NRS 533.325.

⁷ NRS 533.370(3).

RULING

Application 25995 is hereby denied on the grounds that there is no unappropriated water in the source and to grant said application would impair the value of existing rights and be detrimental to the public interest.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Peter G. Morros", is written over a horizontal line. The signature is enclosed in a large, hand-drawn oval.

PETER G. MORROS
State Engineer

PGM/MT/bl

Dated this 17th day of
June, 1986.