

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATION )  
NO. 52170 FIELD TO APPROPRIATE)  
WATER FROM SNOW SPRING (AKA )  
CRYSTAL SPRING) IN RAILROAD )  
VALLEY, NYE COUNTY, NEVADA. )  
)

RULING

GENERAL

I.

Application 52170 was filed on May 27, 1988 by Donald Lani to appropriate 3.0 c.f.s. of water from Snow Spring (aka Crystal Spring) for irrigation on 560 acres within the E1/2 SW1/4 Section 29; NE1/4 NW1/4, W1/2 NW1/4 Section 32; SE1/4 NE1/4, W1/2 NE1/4, SE1/4 E1/2 SW1/4 of Section 31, T.11N., R.58E., M.D.B.&M. The point of diversion is described as being within the NW1/4 NE1/4 Section 15, T.11,R., R.58E., M.D.B.&M.<sup>1</sup>

FINDINGS OF FACT

The applicant claims a vested right to the source under Proof of Appropriation 01325 for an unspecified amount of water for the irrigation of 34.98 acres.<sup>1</sup>

II.

The applicant has a dam permit under J-129 for the storage of excess water from the source.<sup>1</sup>

III.

The applicant has ground water permits 32318, 32319 and 52619 to cover all of the acreage applied for that are not covered by Proof of Appropriation 01325. <sup>1</sup>

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

IV.

Representatives of the State Engineer's office field checked the source on August 22, 1989 and found the source to be completely dry. The spring source may provide minimal amounts of water during periods of over age or above average precipitation.<sup>2</sup>

V.

In the public interest the State Engineer may refuse to issue a permit on a spring if said permit would deprive wildlife of water which they customarily use.<sup>3</sup>

CONCLUSIONS

I.

The State Engineer has jurisdiction of the parties and the subject matter of this action.<sup>4</sup>

II.

The State Engineer is prohibited by law from granting a permit under an application to appropriate the public waters where<sup>5</sup>:

- A. There is no unappropriated water at the proposed source, or
- B. The proposed use or change conflicts with existing rights, or
- C. The proposed use or change threatens to prove detrimental to the public interest.

III.

The State Engineer finds that to approve a permit for additional water from this source would interfere with a water source that wildlife have customarily depended upon and used.

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2 See report of informal field investigation under application 52170 public record in the office of the State Engineer.

3 NRS 533.367

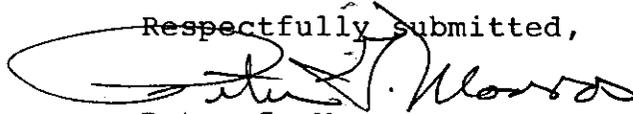
4 NRS Chapter 533.

5 NRS Chpater 533.370

RULING

Application 52170 is hereby DENIED on the grounds that the approval of said application would interfere with the customary wildlife use of the water and would not be in the public interest.

Respectfully submitted,



Peter G. Morros  
State Engineer

PGM/RMT/pm

Dated this 29th day of  
September, 1989.