

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATION 52255)
FILED TO APPROPRIATE THE PUBLIC)
WATERS TO FLETCHER SPRING EAST)
WALKER RIVER AREA, MINERAL COUNTY,)
NEVADA.)

RULING

GENERAL

Application 52255 was filed on June 22, 1989, by Mineral County to appropriate 0.5 c.f.s. of water from Fletcher Spring for recreation purposes within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 19, T.6N., R.28E., M.D.B.&M. The point of diversion is described as being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 19, T.6N., R.28E., M.D.B.&M.¹

FINDINGS OF FACT

I.

Existing water rights on Fletcher Spring as evidenced by claims or permits include:¹

<u>PERMIT/CLAIM</u>	<u>NAME</u>	<u>FLOW (cfs)</u>	<u>USE</u>
16927 (C-5213)	Barron & Marilyn Hilton	0.5	Irrigation 19 acres
03619	Barron & Marilyn Hilton	1.0	Stockwater 50 cattle

II.

The State Engineer's office field checked the spring on September 27, 1989, and measured the flow at 0.125 c.f.s.²

¹ Public record in the office of the State Engineer.

² See memo to file 52255 dated September 29, 1989.

CONCLUSIONS

I.

The State Engineer has jurisdiction of the parties and the subject matter of this action.³

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 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 concludes that there is no unappropriated water at the source.

IV.

The State Engineer concludes that to approve this application would impair and interfere with existing water rights.

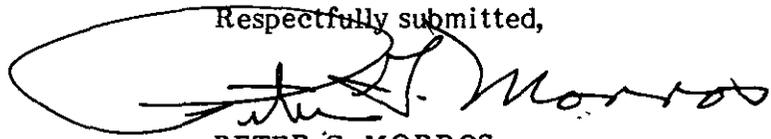
³ NRS 533.

⁴ NRS 533.370.

RULING

Application 52255 is hereby DENIED on the grounds that there is no unappropriated water in the source and to approve Application 52255 would interfere with existing rights to the source.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Peter G. Morros", is written over a large, hand-drawn oval. The signature is fluid and cursive.

PETER G. MORROS
State Engineer

PGM/RMT/bk

Dated this 3rd day of

November, 1989.