

OFFICE OF THE STATE ENGINEER
OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATIONS 58125)
AND 58126 FILED TO APPROPRIATE THE)
PUBLIC WATERS OF AN UNDERGROUND SOURCE)
WITHIN THE CHURCHILL VALLEY GROUNDWATER)
BASIN (102), CHURCHILL COUNTY, NEVADA.)

RULING

4615

GENERAL

I.

Application 58125 was filed on September 24, 1992, by Hodges Transportation, Inc., to appropriate 0.01 cubic feet per second (cfs) of underground water for stockwatering purposes within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 24, T.17N., R.26E., M.D.B.&M. The proposed point of diversion is described as being located within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 24, T.17N., R.26E., M.D.B.&M.¹

II.

Application 58126 was filed on September 24, 1992, by Hodges Transportation, Inc., to appropriate 0.01 cfs of underground water for stockwatering purposes within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 10, T.17N., R.26E., M.D.B.&M. The proposed point of diversion is described as being located within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 10, T.17N., R.26E., M.D.B.&M.²

III.

The places of use under said applications are located within the Bureau of Land Management's (BLM) Lahontan Grazing Allotment.¹

FINDINGS OF FACT

I.

By letter dated October 1, 1992, the BLM was requested by the office of the State Engineer to advise said office as to the current range permittee, kind and number of animals and the period of use under the range allotment for the parcels of land described as the places of use under Applications 58125 and 58126.

¹ File No. 58125, official records in the office of the State Engineer.

² File No. 58126, official records in the office of the State Engineer.

Information supplied by the BLM in response to the State Engineer's request indicated that Hodges Transportation, Inc., was not at that time the permitted range user of the allotment which contained the places of use under Applications 58125 and 58126.¹ However, a more recent correspondence dated March 1, 1994, from the BLM verifies that Hodges Transportation was granted a temporary non-renewable grazing permit terminating on March 31, 1994, for that portion of the Lahontan Allotment containing the places of use described under the subject Applications. On April 16, 1996, the BLM was again requested to provide the office of the State Engineer with information pertaining to the current range user of the area in question, and to this date no response to this specific request has been received.

On or about March 10, 1998, the Carson City office of the BLM was contacted by telephone by personnel from the office of the State Engineer, in regard to the current range permittee. Information supplied by an employee of the BLM indicated that while Hodges Transportation, Inc., may have been a previous range permittee, the current range permit for the applied for places of use is held by Butch Robinson and Richard Harriman, who lease their range grazing rights to Gary Snow.¹ The State Engineer finds that Hodges Transportation currently is not the permitted range user of the land which represents the places of use described under the subject applications.

CONCLUSIONS

I.

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

II.

The State Engineer is prohibited by law from granting a permit under an application to appropriate the public waters where:⁴

³ NRS Chapters 533 and 534.

⁴ NRS § 533.370.

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

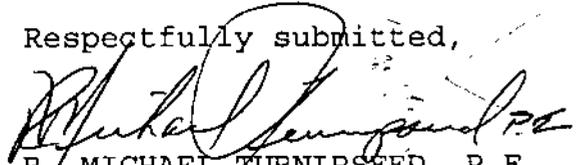
III.

It has been a long established policy within the office of the State Engineer to limit the approval of applications filed to appropriate water for stockwatering purposes upon federal land to those applicants which are the current federal range permittees. Information supplied by the proper federal regulatory agency indicates that Hodges Transportation, Inc., is not permitted to graze livestock upon the lands described within the places of subject applications. Therefore, the State Engineer concludes that it would not be in the public interest to approve applications to appropriate water for stockwatering purposes upon federal lands to an applicant who is not the current federal range permittee.

RULING

Applications 58125 and 58126 are hereby denied on the grounds that granting the applications would threaten to prove detrimental to the public interest.

Respectfully submitted,


R. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/MDB/cl

Dated this 27th day of
March, 1998.