

**IN THE OFFICE OF THE STATE ENGINEER  
OF THE STATE OF NEVADA**

IN THE MATTER OF APPLICATION 59333 )  
FILED TO APPROPRIATE THE PUBLIC )  
WATERS OF SCOTT SPRINGS LOCATED )  
WITHIN THE LITTLE HUMBOLDT VALLEY )  
HYDROGRAPHIC BASIN (067), AND )  
APPLICATION 59334 FILED TO )  
APPROPRIATE THE PUBLIC WATERS OF )  
COYOTE SPRINGS LOCATED WITHIN THE )  
PARADISE VALLEY HYDROGRAPHIC )  
BASIN (069), HUMBOLDT COUNTY, )  
NEVADA. )

**RULING**

**# 5145**

**GENERAL**

**I.**

Application 59333 was filed on October 22, 1993, by The United States Department of Interior Bureau of Land Management, Nevada First Corporation and Talancon & Lopez to appropriate 0.0232 cubic feet per second (cfs) of water from Scott Springs for stockwatering purposes within Lot 11 of Section 18, T.39N., R.41E., M.D.B.&M. and the NE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 33, the SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 34, the SW $\frac{1}{4}$  of NE $\frac{1}{4}$  Section 35, all in T.40N., R.41E., M.D.B.&M. The proposed point of diversion is described as being located within Lot 11 of Section 18, T.39N., R.41E., M.D.B.&M.<sup>1</sup>

**II.**

Application 59334 was filed on October 22, 1993, by The United States Department of Interior Bureau of Land Management, Nevada First Corporation and Talancon & Lopez to appropriate 0.0232 cfs of water from Coyote Springs for stockwatering purposes within the NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 28, Lot 8 of Section 33, both in T.40N., R.40E., M.D.B.&M. and Lot 9 of Section 3, the SE $\frac{1}{4}$  NW $\frac{1}{4}$  and the NE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 14, all in T.39N., R.40E., M.D.B.&M. The proposed point of diversion is

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<sup>1</sup> File No. 59333, official records in the Office of the State Engineer.

described as being located within NE¼ SW¼ of Section 14, T.39N., R.40E.,  
M.D.B.&M.<sup>2</sup>

### FINDINGS OF FACT

#### I.

On January 19, 1995, Humboldt River Water Commissioner Steve Del Soldato conducted an informal field investigation on Applications 59333 and 59334. Mr. Del Soldato discovered both water sources to be tributary to the Little Humboldt River. The State Engineer finds that Scott Springs and Coyote Springs are tributary to the Little Humboldt River, which is subject to the claims decreed within the Little Humboldt River Decree<sup>3</sup>, a fully appropriated stream.

#### II.

The State Engineer finds that the Final Decree on the Little Humboldt River and its tributaries adjudicated all claims to all the waters of the Little Humboldt Stream System leaving no water available for appropriation pursuant to Applications 59333 and 59334.

### CONCLUSIONS

#### I.

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

#### II.

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

- A. there is no unappropriated water at the proposed source;
- B. the proposed use or change conflicts with existing rights;
- C. the proposed use or change conflicts with protectible interests in existing domestic wells as set forth in NRS § 533.024; or

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<sup>2</sup> File No. 59334, official records in the Office of the State Engineer.

<sup>3</sup> Findings of Fact, Conclusions of Law and Decree, In the Matter of the Determination of the Relative Rights in and to the Waters of the Little Humboldt River and Its Tributaries in Humboldt and Elko Counties, Case No. 3157, Sixth Judicial District Court of Nevada, In and for the County of Humboldt, 1935.

<sup>4</sup> NRS chapter 533.

<sup>5</sup> NRS § 533.370.

D. the proposed use or change threatens to prove detrimental to the public interest.

**III.**

The State Engineer concludes there is no water available for appropriation under Applications 59333 and 59334 as the springs are tributary to the little Humboldt River, which is fully appropriated by Decree.

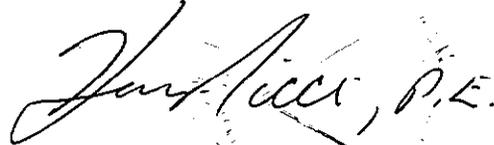
**IV.**

The State Engineer concludes that to approve these applications would impair the value of and conflict with existing decreed rights in the Little Humboldt River.

**RULING**

Application 59333 and Application 59334 are hereby denied on the grounds that no water is available for appropriation and the approval of said applications would impair the value of existing decreed water rights.

Respectfully submitted,



HUGH RICCI, P.E.  
State Engineer

HR/TW/jm

Dated this 21<sup>st</sup> day of  
August, 2002.