

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

IN THE MATTER OF APPLICATION)
75573 FILED TO APPROPRIATED THE)
PUBLIC WATERS OF THE COWKICK)
VALLEY HYDROGRAPHIC BASIN)
(126), CHURCHILL COUNTY, NEVADA.)

RULING
5820

GENERAL

I.

Application 75573 was filed on April 13, 2007, by Paul Plouviez, c/o Bench Creek Ranch to appropriate 0.05 cubic feet per second of the underground water of the Cowkick Valley Hydrographic Basin for stock water purposes for watering 200 head of cattle within the NE¼ NW¼ of Section 12, T.17N., R.35E., M.D.B.&M. The proposed point of diversion is described as being located within the NE¼ NW¼ of said Section 12. The remarks section of the application indicates that the Applicant is the only range user and requests the State Engineer refer to the map filed under Application 52502, but that he is unable to show chain of title.¹

II.

The application was timely protested by Churchill County on the grounds that it has applications seeking to appropriate all the underground water of Dixie Valley and that since Cowkick Valley and Dixie Valley are believed to be hydrologically connected there is no water available for appropriation. Churchill County indicated that it was amenable to granting the permit on a temporary basis based on certain conditions.¹

III.

On January 14, 2008, the Applicant filed a response to the protest indicating that the point of diversion is an existing well that was originally drilled in 1957 and is located on public land administered by the Bureau of Land Management. The response also indicates that the Applicant is the current range user and that Permit 52502, which was located at this same point of diversion,

¹ File 75573 official records in the Office of the State Engineer.

was for stock water and was cancelled for failure to file proof of beneficial use most likely because the permittee was no longer the range user.

FINDINGS OF FACT

I.

The State Engineer finds that the amount of water requested for appropriation under this application is minimal and will have no effect on any amount of water that may be hydrologically connected to Dixie Valley.

CONCLUSIONS

I.

The State Engineer has jurisdiction over the parties and of the subject matter of this action and determination.²

II.

The State Engineer is prohibited by law from granting a permit under an application or change application to appropriate the public waters where:³

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

III.

The State Engineer concludes there is water available for appropriation, the proposed use will not conflict with existing rights or protectible interests in existing domestic wells as set forth in NRS § 533.024 and will not threaten to prove detrimental to the public interest.

² NRS chapters 533 and 534.

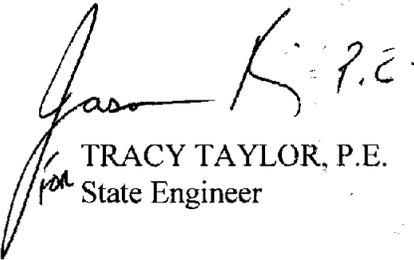
³ NRS § 533.370(5).

RULING

The protest to Application 75573 is hereby overruled and the application is granted subject to:

1. the payment of the statutory permit fees; and
2. all other existing rights.

Respectfully submitted,


TRACY TAYLOR, P.E.
State Engineer

TT/SJT/jm

Dated this 4th day of
March, 2008.