

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

IN THE MATTER OF APPLICATION 83589 )  
FILED TO APPROPRIATE THE PUBLIC )  
WATERS OF CORRAL SPRING, AKA )  
CORRAL CREEK SPRING, WITHIN THE )  
CRESCENT VALLEY HYDROGRAPHIC )  
BASIN (54), LANDER COUNTY, NEVADA. )

**RULING**

**#6340**

**GENERAL**

**I.**

Application 83589 was filed on March 3, 2014, by 777 Minerals, Inc. to appropriate 0.04 cubic feet per second (cfs) of surface water for mining and milling purposes from Corral Spring, a.k.a. Corral Creek Spring. The proposed point of diversion is described as being located within the SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 31, T.30N., R.47E., M.D.B.&M. The proposed place of use is described as being located within the W $\frac{1}{2}$  of Section 5, Sections 6 and 7, W $\frac{1}{2}$  of Section 8, W $\frac{1}{2}$  of Section 17 and Section 18, T.29N., R.47E., M.D.B.&M., and Section 31, T.30N. R.47E., M.D.B.&M.<sup>1</sup>

**FINDINGS OF FACT**

**I.**

Application 60993 was filed on March 3, 1995, for 1.0 cfs of water from Corral Canyon Creek. This application was denied by the State Engineer's Ruling No. 4953. The grounds for denial were that the approval would adversely affect existing rights and would threaten to prove detrimental to the public interest.<sup>2</sup>

On May 31, 2000, a field investigation was conducted by personnel from the Office of the State Engineer. The flow in the main channel of Corral Canyon Creek was calculated as 0.147 cfs.<sup>3</sup>

On October 27, 2015, staff from the Elko Branch Office of the Nevada Division of Water Resources conducted a follow-up field investigation to determine whether Corral Creek Spring was tributary to Corral Canyon Creek. Based on the observations made in the field, it was determined that Corral Creek Spring is tributary to Corral Canyon Creek.<sup>1</sup>

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<sup>1</sup> File No. 83589, official records in the Office of the State Engineer.

<sup>2</sup> State Engineer's Ruling No. 4953, dated August 8, 2000, official records in the Office of the State Engineer.

<sup>3</sup> Report of Field Investigation No. 1010, official records in the Office of the State Engineer.

**II.**

An examination of the records of the State Engineer determined that there are currently two water rights that have points of diversion from Corral Canyon Creek. These are represented by Claim of Vested Right V-07572 and Permit 13434, Certificate 5043, which are held in the names of Julian Tomera Ranches, Inc. and Art Seltzer, respectively. Proof V-07572 claims an 1889 priority for use of water for stockwater, which includes 100 cattle, 10 horses and 1,000 sheep. The place of use claimed under the proof is adjacent to the stream course and is located above and below the Applicant's proposed point of diversion.<sup>4</sup> Permit 13434, Certificate 5043 was issued by the Office of the State Engineer for 2.0 cfs, not to exceed 364.32 acre-feet per season (March 1 through June 1), of Corral Canyon Creek water for the irrigation of 283.26 acres of land located within the SW¼ and the W½ SE¼ of Section 33, T.30N., R.48E., M.D.B.&M. The point of diversion under this permit is located approximately 7 miles downstream from the proposed point of diversion requested under Application 83589.<sup>5</sup> The State Engineer finds the proposed point of diversion and place of use requested under Application 83589 are located upstream from existing water rights and that any appropriation of water at Applicant's proposed point of diversion would reduce the amount of flow available to senior downstream users.

**CONCLUSIONS OF LAW**

**I.**

The State Engineer has jurisdiction over the parties and the subject matter of this action and determination.<sup>6</sup>

**II.**

The State Engineer is prohibited by law from granting a permit under an application to appropriate the public waters where:<sup>7</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 protectable 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.

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<sup>4</sup> Proof No. V-07572, official records in the Office of the State Engineer.

<sup>5</sup> File No. 13434, official records in the Office of the State Engineer.

<sup>6</sup> NRS Chapter 533.

<sup>7</sup> NRS § 533.370(2).

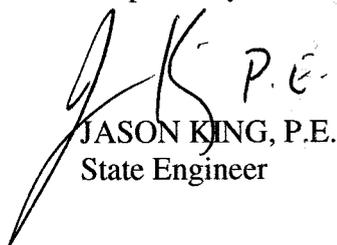
**III.**

The proposed point of diversion is tributary to Corral Canyon Creek, and therefore the State Engineer concludes that Application 83589 will conflict with existing rights.

**RULING**

Application 83589 is hereby denied on the grounds that approval of the application would conflict with existing rights and would threaten to prove detrimental to the public interest.

Respectfully submitted,

  
JASON KING, P.E.  
State Engineer

Dated this 12th day of  
February, 2016.