

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATION 35887)  
FILED TO APPROPRIATE THE PUBLIC)  
WATERS OF DOG SPRING IN KELLY CREEK)  
AREA, HUMBOLDT COUNTY, NEVADA. )

RULING

GENERAL

Application 35887 was filed on September 15, 1978, by Wm. Henry Scott Estate to appropriate 0.00446 c.f.s. of water from Dog Spring for domestic and stockwatering purposes within Section 21, T.37N., R.41E., M.D.B.&M. The point of diversion is described as being within the NW $\frac{1}{4}$  NE $\frac{1}{4}$  Section 21, T.37N., R.41E., M.D.B.&M.<sup>1</sup>

FINDINGS OF FACTS

I.

The source of water for Application 35887 was found to be the same source (Dog Spring) as Claim of Vested Right No. 02840 in the name of Cecil E. and Jo Hibbs Christison dba Pinson Ranch which claims all of the water from Dog Spring.<sup>2</sup>

II.

A reply to a letter sent to the Bureau of Land Management inquiring as to the range user in this area states Jo Hibbs Christison is the range permittee for a maximum of 360 cattle.<sup>2</sup>

III.

A letter sent to the applicant from this office on July 20, 1982 asking for clarification of ownership received no reply.

CONCLUSIONS

I.

The State Engineer has jurisdiction of the parties and the subject matter of this action and determination.<sup>3</sup>

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<sup>1</sup> Public record in the office of the State Engineer.

<sup>2</sup> Letter attached to file 35887 on file in the office of the State Engineer.

<sup>3</sup> NRS 533.025 and NRS 533.030 (1).

II.

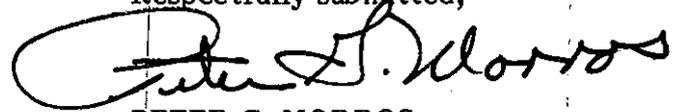
The State Engineer is prohibited by law from granting a permit under an application to appropriate the public waters where:<sup>4</sup>

- A. There is no appropriated water at the proposed source, or
- B. The proposed use conflicts with existing rights, or
- C. The proposed use threatens to prove detrimental to the public interest.

RULING

Pursuant to the foregoing Findings of Fact and Conclusions, Application 35887 is hereby denied on the grounds that the approval of said application would impair the value of existing rights and the applicant has no apparent means to put the water to beneficial use.

Respectfully submitted,



PETER G. MORROS  
State Engineer

PGM/MT/ll

Dated this 22nd day of

February, 1985.

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<sup>4</sup> NRS 533.370 (3).