

IN THE MATTER OF APPLICATIONS 37668, 37669 AND)
37670 FILED BY IRA H. AND NINA KENT AND SILVER)
RANGE RANCH TO APPROPRIATE WATER FROM AN)
UNDERGROUND SOURCE IN CARSON DESERT,)
CHURCHILL COUNTY, NEVADA)

R U L I N G

101

INTRODUCTION

I

Applications 37668, 37669 and 37670 were filed by Ira H. & Nina Kent and Silver Range Ranch to appropriate water from an underground source for stockwatering purposes in Carson Desert, Area (8-101) in Churchill County, Nevada. 1/

FINDINGS OF FACT

I

Application 37668 was filed by Ira H. & Nina Kent and Silver Range Ranch on April 4, 1979, to appropriate 0.02230 c.f.s. of underground water for stockwater (700 head of cattle) purposes. The point of diversion is within SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 22, T.19N., R.32E., M.D.B.&M., and the place of use is within Section 22, T.19N., R.32E., M.D.B.&M.

Application 37669 was filed by Ira H. & Nina Kent and Silver Range Ranch on April 4, 1979, to appropriate 0.02230 c.f.s. of underground water for stockwatering (700 head of cattle) purposes. The point of diversion is within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 22, T.19N., R.32E., M.D.B.&M., and the place of use is within Section 22, T.19N., R.32E., M.D.B.&M.

Application 37670 was filed by Ira H. & Nina Kent and Silver Range Ranch on April 4, 1979, to appropriate 0.04430 c.f.s. of underground water for stockwatering (700 head of cattle) purposes. The point of diversion is within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 3, T.18N., R.32E., M.D.B.&M., and the place of use is within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 3, T.18N., R.32E., M.D.B.&M.

II

Applications 37668 thru 37670 were protested 2/ on February 4, 1980, by the U.S. Government, Bureau of Land Management, Carson City District, 1050 E. William Street, Suite 335, Carson City, Nevada 89701 on the grounds:

"U.S. Bureau of Land Management needs water to guarantee water availability for all livestock grazing, both present and future. This water is located in the Mountain Well and LaPlata grazing allotments and it is estimated that 725 cows will use the allotments year 'round."

III

The records of the State Engineer's office indicate that proofs of appropriation have been filed by Ira H. & Nina Kent and Silver Range Ranch on all the sources of water under applications 37668 thru 37670 3/ and that these proofs of appropriation are the only claims of existing rights of record on the sources. 4/

IV

Information on file in the State Engineer's office indicates that Ira H. & Nina Kent and Silver Range Ranch have a grazing permit for 725 cattle within the Mountain Well - LaPlata allotment. 5/

V

Information on file in the State Engineer's office indicates that the appropriation and place of use of the waters sought under applications 37668 thru 37670 are within the grazing allotment of Ira H. & Nina Kent and Silver Range Ranch. 6/

VI

Information available to the State Engineer indicates that the right and use applied for under applications 37668 thru 37670 will not interfere with or impair the customary grazing use of the public range or impair existing or subsisting rights. 7/

VII

Information of record in the office of the State Engineer indicates that the applicants claim to have made customary use of the range and waters described in the sources herein since prior to 1905. 8/

VIII

The State Engineer in a previous finding determined that conditions warranted the designation of the Carson Desert Groundwater Basin. Order No. 716 was issued on July 6, 1978, designating the Carson Desert, Packard Valley, White Plains Groundwater Basin in Churchill, Pershing and Lyon Counties Nevada. 9/

CONCLUSIONS

I

The State Engineer has jurisdiction of the parties and the subject matter of this action. 10/

II

The State Engineer is required by statute to approve all applications made in proper form where:

- A. All fees have been paid which contemplate the application of water to beneficial use.
- B. The proposed use does not tend to impair the value of existing rights, or to be otherwise detrimental to the public welfare. 11/

III

The watering of livestock is declared to be a beneficial use and the right to use water for that purpose may be acquired in the same manner as the right to use water for any other beneficial purpose. 12/

IV

There is no evidence that subsisting or existing rights will be impaired or that the issuance of permits under applications 37668 thru 37670 will be detrimental to the public interest or orderly management of the public range. 13/

V

In the interest of public welfare, the State Engineer may declare preferred uses of water in a designated groundwater basin where the groundwater is being depleted. 14/

RULING

The protests to the granting of applications 37668 thru 37670 are herewith overruled on the grounds that the granting of permits will not tend to impair the value of existing rights or be otherwise detrimental to the public welfare. Permits will be granted to applications 37668 thru 37670 upon payment of the statutory fees. The amount of water allowed under applications 37668 thru 37670 shall be limited to that amount sufficient to water 700 head of cattle under each application. The total combined amount of water under applications 37668 thru 37670 and any other claims of existing rights shall not exceed that amount sufficient to water 725 head of cattle.

Respectfully Submitted,

William J. Newman
William J. Newman
State Engineer

WJN/PGM/mc

Dated this 16th day
of MAY, 1980

FOOTNOTES

1. Public record available in the office of the State Engineer.
2. Public record available in the office of the State Engineer.
3. Public record available in the office of the State Engineer.
4. Public record available in the office of the State Engineer.
5. Public record available in the office of the State Engineer.
6. Public record available in the office of the State Engineer.
7. NRS 533.500
8. NRS 533.500
9. Public record available in the office of the State Engineer.
10. NRS 534.020
11. NRS 533.370, Section 1
12. NRS 533.490, Section 1
13. Public record available in the office of the State Engineer and NRS 533.495, 533.370, Section 4.
14. NRS 534.120, Section 2