

IN THE MATTER OF APPLICATIONS 42173)
AND 42174 FILED FOR UNDERGROUND)
WATER WITHIN THE WINNEMUCCA SEGMENT)
OF THE HUMBOLDT RIVER BASIN.)

R U L I N G

70

Applications 42173 and 42174 were filed on August 25, 1980, by Felix A. Scott to appropriate underground water within the Winnemucca Segment of the Humboldt River Basin. Each application seeks to divert 0.25 cfs from within the NW1/4 NE1/4 Section 30, T.36N., R.38E., M.D.B.&M. and the water is to be used for Quasi-Municipal purposes to serve a 78 unit motel, 2 single family dwellings, and 8 apartments located within a portion of the N1/2 NE1/4 Section 30, T.36N., R.38E., M.D.B.&M.

By letter dated January 14, 1981, this office asked to be advised if the proposed appropriations were within the service area of CP National and whether CP National had the capacity and availability to serve the proposed units.

CP National replied by letter dated January 20, 1981 that they were currently serving the property and had the capacity and availability to continue service.

FINDINGS OF FACT

I

The area of the proposed appropriation was designated by Order No. 464 of the State Engineer on July 24, 1972. 1/

II

Within an area that has been designated by the State Engineer, the State Engineer may deny applications to appropriate ground water for any purpose when water can be furnished by an entity presently engaged in furnishing water to the area. 2/

CONCLUSIONS

I

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

II

The State Engineer is prohibited by law from granting a permit where:

- A. There is no unappropriated water at the proposed source, or
- B. The proposed use conflicts with existing rights, or

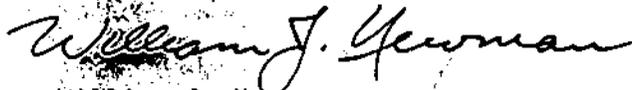
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- C. The proposed use threatens to prove detrimental to the public interests. 4/

RULING

Applications 42173 and 42174 are denied on the grounds that their granting, in an area that has been designated where water is presently being furnished by an entity engaged in furnishing water thereto, would threaten to prove detrimental to the public interest.

Respectfully submitted,



William J. Newman
State Engineer

WJN/TJS/kc

Dated this 11th day

of February, 1981.

FOOTNOTES

1. State Engineer's Order No. 464.
2. NRS 534.120.
3. NRS 533.025 and 533.030, subsection 1.
4. NRS 533.270, subsections 1 and 4.