

IN THE MATTER OF APPLICATIONS 40566)  
TO 40580 INCLUSIVE FILED BY THE )  
UNIVERSITY OF NEVADA FOR SURFACE)  
AND UNDERGROUND WATERS IN GRASS)  
VALLEY, EUREKA AND LANDER )  
COUNTIES, NEVADA )

R U L I N G

**INTRODUCTIONS**

Applications 40566 to 40580, inclusive, were filed on February 20, 1980, by the University of Nevada as follows:

Application 40566 was filed to appropriate 0.2 c.f.s. of the water of Potato Canyon to be diverted within the NW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 9, T.23N., R.48E., M.D.B.&M. and to be used for the watering of 1,000 cattle and horses within Sections 4, 5, 6, 7, 8 and 9, T.23N., R.48E., M.D.B.&M.

Application 40567 was filed to appropriate 0.1 c.f.s. of the waters of Hiller Canyon to be diverted within the SE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 31, T.23N., R.48E., M.D.B.&M., and to be used for the watering of 500 cattle and horses within Sections 29, 30, 31 and 32, T.23N., R.48E., M.D.B.&M.

Application 40568 was filed to appropriate 0.1 c.f.s. of the waters of No-name Canyon to be diverted within the SE $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 32, T.23N., R.48E., M.D.B.&M., and to be used for the watering of 500 cattle and horses within Sections 29, 30, 31 and 32, T.23N., R.48E., M.D.B.&M.

Application 40569 was filed to appropriate 2.5 c.f.s. of the waters of Hiller Canyon to be diverted within the SE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 31, T.23N., R.48E., M.D.B.&M., and to be used for the irrigation of 120 acres within the NE $\frac{1}{4}$  of Section 31 and NW $\frac{1}{4}$  of Section 32, T.23N., R.48E., M.D.B.&M.

Application 40570 was filed to appropriate 1.0 c.f.s. of the waters of No-name Canyon to be diverted within the SE $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 32, T.23N., R.48E., M.D.B.&M., and to be used for the irrigation of 160 acres within the NE $\frac{1}{4}$  of Section 31 and NW $\frac{1}{4}$  of Section 32, T.23N., R.48E., M.D.B.&M.

Application 40571 was filed to appropriate 0.1 c.f.s. of the waters of Sheep Corral Canyon to be diverted within the NW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 16, T.23N., R.48E., M.D.B.&M., and to be used for the watering of 500 cattle and horses within Sections 16, 17 and 18, T.23N., R.48E., M.D.B.&M.

Application 40572 was filed to appropriate 0.1 c.f.s. of the waters of Big Canyon to be diverted within the SW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 28, T.23N., R.48E., M.D.B.&M., and to be used for the watering of 500 cattle and horses within Sections 19, 20, and 29, T.23N., R.48E., M.D.B.&M.

Application 40573 was filed to appropriate 0.1 c.f.s. of the waters of South Pine Canyon to be diverted within the SW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 21, T.23N., R.48E., M.D.B.&M., and to be used for the watering of 500 cattle and horses within Sections 19, 20 and 29, T.23N., R.48E., M.D.B.&M.

Application 40574 was filed to appropriate 0.1 c.f.s. of the waters of Moonshine Canyon to be diverted within the NE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 21, T.23N., R.48E., M.D.B.&M., and to be used for the watering of 500 cattle and horses within Sections 19, 20, and 29, T.23N., R.48E., M.D.B.&M.

Application 40575 was filed to appropriate 3.0 c.f.s. of the waters of Sheep Corral Canyon to be diverted within the NW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 16, T.23N., R.48E., M.D.B.&M., and to be used for the irrigation of 320 acres within Section 17, T.23N., R.48E., M.D.B.&M.

Application 40576 was filed to appropriate 1.5 c.f.s. of the waters of Moonshine Canyon to be diverted within the NE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 21, T.23N., R.48E., M.D.B.&M., and to be used for the irrigation of 120 acres within Sections 17, 18, 19 and 20, T.23N., R.48E., M.D.B.&M.

Application 40577 was filed to appropriate 4.0 c.f.s. of the waters of Big Canyon to be diverted within the SW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 28, T.23N., R.48E., M.D.B.&M., and to be used for the irrigation of 440 acres within Sections 17, 18, 19 and 20, T.23N., R.48E., M.D.B.&M.

Application 40578 was filed to appropriate 1.0 c.f.s. of the waters of South Pine Canyon to be diverted within the SW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 21, T.23N., R.48E., M.D.B.&M., and to be used for the irrigation of 80 acres within Sections 17, 18, 19 and 20, T.23N., R.48E., M.D.B.&M.

Application 40579 was filed to appropriate 1.5 c.f.s. of the waters of Potato Canyon to be diverted within the NW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 9, T.23N., R.48E., M.D.B.&M., and to be used for the irrigation of 120 acres within the SE $\frac{1}{4}$  of Section 5, NE $\frac{1}{4}$  of Section 8, W $\frac{1}{2}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 9, T.23N., R.48E., M.D.B.&M.

Application 40580 was filed to appropriate 6.7 c.f.s. of the waters of an underground source to be diverted within the SE $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 16, T.24N., R.48E., M.D.B.&M., and to be used for the irrigation of 720 acres within portions of Sections 16, 17, 20 and 21, T.24N., R.48E., M.D.B.&M.

Applications 40571 and 40575 were protested by the U.S. Government, Bureau of Land Management on April 29, 1980 on the following grounds:

"The water is not available for appropriation under state law because it is a public water reserve. The lands contained in this public water reserve were withdrawn by Executive Order 107 of April 17, 1926 (43CFR2311)."

Applications 40572, 40573, 40574, 40576 40577 and 40578 were also protested by the U.S. Government, Bureau of Land Management on April 29, 1980 on the following grounds:

"The water is necessary for the multiple use management of the public lands and the beneficial users would be wildlife, wild horses and domestic livestock."

Applications 40566, 40567, 40568, 40569, 40579 and 40580 have not been protested.

FINDINGS OF FACT

I

The water sought to be appropriated through these applications is to be used in connection with the Gund Ranch research and development. 1/

II

The University of Nevada is a bona fide operator authorized by the Bureau of Land Management to run cattle in the area. 2/

CONCLUSIONS

I

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

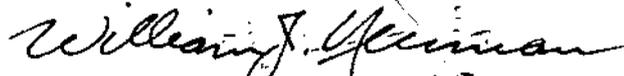
II

There is no evidence that subsisting or existing rights will be impaired or that the granting of the applications will be detrimental to the public welfare or the orderly management of the public range. 4/

RULING

The protests to the granting of applications 40571 to 40578 inclusive are hereby overruled on the grounds that their granting will not impair the value of existing rights or otherwise be detrimental to the public welfare.

Respectfully submitted,



William J. Newman, P.E.  
State Engineer

Dated this 27th day  
of August, 1980.