

IN THE MATTER OF APPLICATIONS 47393)
FILED TO APPROPRIATE THE PUBLIC)
WATERS OF AN UNDERGROUND SOURCE)
WITHIN THE RAILROAD VALLEY)
(NORTHERN PART) GROUND WATER BASIN)
IN NYE COUNTY, NEVADA.)

RULING

GENERAL

I.

Application 47393¹ was filed on November 7, 1983, by Dan Russell to appropriate 0.01 c.f.s. of water from an underground source for use within the NW1/4 NW1/4 Section 34, T.9N., R.55E., M.D.B.&M., for stockwatering purposes. The point of diversion is described as being within the NW1/4 NW1/4 Section 34, T.9N., R.55E., M.D.B.&M.

FINDINGS OF FACT

I.

A timely protest¹ was filed to the granting of Application 47393 by Paris Livestock (by Pete Paris, Jr.) on March 14, 1984. The grounds of the protest are as follows:

"This well has been drilled on a common use B.L.M. allotment, which our range operation shares use of this area around this new well. With one operator holding the water rights, it could stop our operation and other operators from using that area around the well."

II.

By letter to the Bureau of Land Management dated December 7, 1983, the Division of Water Resources inquired as to who the permittee and current range users are within the described place of use.¹

III.

On January 26, 1984, the Bureau of Land Management, by letter, informed the State Engineer that Dan Russell was the permittee (range user) within the described place of use.¹

¹ Public record in the office of the State Engineer under Application 47393.

CONCLUSIONS

I.

The State Engineer has jurisdiction over this matter under the provisions of NRS 533.365 and 533.370.

II.

Dan Russell is the owner of record under Application 47393 and the range permittee within the described place of use.

RULING

The protest to the granting of Application 47393 is hereby overruled on the grounds that the applicant is the range permittee and can place the water to beneficial use.

The granting of Application 47393 will not affect existing rights and will not be detrimental to the public interest.

Respectfully submitted



Peter G. Morros
State Engineer

PGM/BD/bl

Dated this 8th day of
MAY, 1984.