

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATIONS 41619,)
46452, 46453, 46454, 46455 AND 46456 FILED)
BY RANCHO GRANDE, INC., AND VAN)
NORMAN RANCHES TO APPROPRIATE)
WATER FROM VARIOUS SPRINGS IN THE)
NORTH FORK AREA, ELKO COUNTY,)
NEVADA.)

RULING

GENERAL

Application 41619 was filed on July 2, 1980, by Van Norman Ranches to appropriate 0.5 c.f.s. of water from unnamed springs for stockwatering purposes within the W1/2 SW1/4, SE1/4 SW1/4 Section 11; NE1/4 NW1/4, NW1/4 NE1/4, S1/2 NE1/4, E1/2 SE1/4 Section 14; S1/2 SW1/4, SE1/4 SE1/4 Section 13; N1/2 NW1/4, SE1/4 NW1/4, NE1/4 NE1/4, S1/2 NE1/4 Section 24; T.39N., R.53E., M.D.B.&M.; Lots 1, 2, 3, NE1/4 SW1/4, W1/2 SE1/4, SE1/4 SE1/4 Section 19; S1/2 SW1/4, SE1/4, Section 20; S1/2 SW1/4, W1/2 SE1/4 Section 21; S1/2 SE1/4 Section 28; W1/2 NE1/4, SE1/4 NW1/4, E1/2 SW1/4, Lot 4, Section 30; Lot 1, NE1/4 NW1/4, N1/2 NE1/4, Section 31; N1/2 NW1/4, SE1/4 NW1/4, NE1/4, NE1/4 SW1/4, S1/2 SW1/4 Section 32; NW1/4, NE1/4, Section 33; T.39N., R.54E., M.D.B.&M., S1/2 NE1/4, N1/2 SE1/4, N1/2 SW1/4, SW1/4 SW1/4 Section 4; Lots 2 and 3, S1/2 NW1/4, W1/2 SW1/4, S1/2 NE1/4, NE1/4 SE1/4 Section 5; SE1/4 SE1/4 Section 6; NW1/4 NW1/4 Section 9, T.38N., R.54E., The point of diversion is described as being within the NW1/4 SW1/4 Section 11, T.39N., R.53E., M.D.B.&M.¹

Application 46452 was filed on December 21, 1982, by Rancho Grande, Inc., to appropriate 0.067 c.f.s. of water from Unnamed Spring No. 7 for stockwatering purposes within the NE1/4 SW1/4 Section 8, T.40N., R.56E., M.D.B.&M. The point of diversion is described as being within the NE1/4 SW1/4 Section 8, T.40N., R.56E., M.D.B.&M.¹

Application 46453 was filed on December 21, 1982, by Rancho Grande, Inc., to appropriate 0.067 c.f.s. of water from Unnamed Spring No. 5 for stockwatering purposes within the SE1/4 NW1/4 Section 12, T.40N., R.56E., M.D.B.&M. The point of diversion is described as being within the SE1/4 NW1/4 Section 12, T.40N., R.56E., M.D.B.&M.¹

Application 46454 was filed on December 21, 1982, by Rancho Grande, Inc., to appropriate 0.067 c.f.s. of water from Unnamed Spring No. 4 for stockwatering purposes within the SE1/4 SE1/4 Section 6, T.40N., R.56E., M.D.B.&M. The point of diversion is described as being within the SE1/4 SE1/4 Section 6, T.40N., R.56E., M.D.B.&M.¹

Application 46455 was filed on December 21, 1982, by Rancho Grande, Inc., to appropriate 0.067 c.f.s. of water from Unnamed Spring No. 2 for stockwatering purposes within Lot 8 Section 36, T.41N., R.55E., M.D.B.&M. The point of diversion is described as being within Lot 8 Section 36, T.41N., R.55E., M.D.B.&M.¹

¹ Public record in the office of the State Engineer filed under Applications 41619, 46452, 46453, 46454, 46455 and 46456.

Application 46456 was filed on December 21, 1982, by Rancho Grande, Inc., to appropriate 0.067 c.f.s. of water from Green Spring for stockwatering purposes within the SW1/4 NE1/4 Section 28, T.40N., R.56E., M.D.B.&M. The point of diversion is described as being within the SW1/4 NE1/4 Section 28, T.40N., R.56E., M.D.B.&M.¹

Applications 46452, 46453, 46454, 46455 and 46456 were timely protested by the United States Department of the Interior, Bureau of Land Management on the following grounds:

"These waters are required for multiple use management of the public lands and the water is a Public Water Reserve reserved under the authority of 2.0.107, April 17, 1926, and identified in CFR 2311. These waters are therefore not available for appropriation under Nevada Law."

The protestant requests that the aforementioned applications be denied.²

FINDINGS OF FACT

I.

The unnamed surface waters identified as the source of water in Applications 41619, 46452, 46453, 46454 and 46455 are tributary to the north fork of the Humboldt River.³

II.

Green Spring identified as the source of water in Application 46456 is tributary to the north fork of the Humboldt River.³

III.

In the Bartlett Decree for the Humboldt River adjudication, the Court states, under Finding of Fact No. 44, that the stream system is fully appropriated.⁴

IV.

Rancho Grande, Inc., has decreed rights on the Humboldt River under Proof 00576.⁵

² Copies of the protests are public records on file with Applications 46452, 46453, 46454, 46455 and 46456 in the office of the State Engineer.

³ A copy of the field investigation is a public record on file with Applications 41619, 46452, 46453, 46454, 46455 and 46456 in the office of the State Engineer.

⁴ The Humboldt River Adjudication, 1923-1938; the Bartlett Decree Findings of Fact No. 44, p. 28, Humboldt County Nevada.

⁵ Humboldt River Decree (Edwards Decree), 1923-1938, p. 79.

V.

All claimants for water for irrigation purposes under the Humboldt River Decree are entitled to use such water for stock and domestic purposes and the rights to the diversion and use of the water for stock and domestic purposes shall be continual by such claimants at any time during the year according to the date of priority.⁶

VI.

The protests of Applications 46452, 46453, 46454, 46455 and 46456 by the Bureau of Land Management are not issues in this ruling.

CONCLUSIONS

I.

The State Engineer has jurisdiction of the parties and the subject matter of this action and determination.⁷

II.

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

- A. there is no unappropriated water in 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.⁸

III.

The sources of water for Applications 41619, 46452, 46453, 46454, 46455 and 46456 are tributary to the Humboldt River which has been declared fully appropriated.

⁶ Humboldt River Decree (Bartlett Decree), 1923-1938, p. 243.

⁷ NRS 533.325.

⁸ NRS 533.370, subsection 3.

RULING

Applications 41619, 46452, 46453, 46454, 46455 and 46456 are hereby denied on the grounds there is no unappropriated water at the source. No ruling is made on the grounds of the protests.

Respectfully submitted

A handwritten signature in cursive script, appearing to read "Peter G. Morros", written over a horizontal line.

Peter G. Morros
State Engineer

PGM/GC/bl

Dated this 8th day of
November, 1984.