

**IN THE OFFICE OF THE STATE ENGINEER**

IN THE MATTER OF APPLICATIONS 51185)  
AND 51186 FILED TO APPROPRIATE)  
SURFACE WATER IN PILOT CREEK VALLEY, )  
ELKO COUNTY, NEVADA. )

**RULING**

**GENERAL**

**I.**

Application 51185 was filed on August 11, 1987, by Altex Oil Corporation to appropriate .05 c.f.s. of water from Little Salt Spring for stockwater and domestic uses for 1,000 cattle within the NE1/4 NE1/4 of Section 29, T.35N., R.70E., M.D.B.&M. The point of diversion is described as being within the NE1/4 NE1/4 Section 29, T.35N., R.70E., M.D.B.&M.<sup>1</sup>

Application 51186 was filed on August 11, 1987, by Altex Oil Corporation to appropriate .05 c.f.s. of water from Cardin Spring for stockwater and domestic uses for 1,000 cattle within the SE1/4 NE1/4 of Section 32, T.36N., R.69E., M.D.B.&M. The point of diversion is described as being within the SE1/4 NE1/4 Section 32, T.36N., R.69E., M.D.B.&M.<sup>1</sup>

**II.**

Applications 51185 and 51186 were timely protested by the U.S. Department of Interior, Bureau of Land Management on the grounds:

"Altex Oil Corporation deeded all right, title and interest in real property associated with the Pilot Mountain Ranch base property to J.R. Simplot on November 9, 1987. The applicant is not the grazing permittee and has never been in the livestock business in the State of Nevada. The applicant therefore cannot show beneficial use for livestock and domestic purposes."

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<sup>1</sup> Public records in the office of the State Engineer.

**FINDINGS OF FACT**

I.

Records and information in the State Engineer's office indicate that the point of diversion and place of use described under the subject applications are on public land and that the applicant is not the range user.<sup>2</sup>

**CONCLUSIONS**

I.

The State Engineer has jurisdiction in the matter described herein.<sup>3</sup>

II.

The State Engineer is prohibited by law from approving an application if:<sup>4</sup>

- A. There is no unappropriated water at 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.

III.

To grant applications to appropriate the public water where the applicant does not own or control the land or where the applicant cannot demonstrate the ability to put the water to beneficial use would not be in the public interest.

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<sup>2</sup> See letter in file under 51185 dated February 12, 1988, under signature of John A. Phillips.

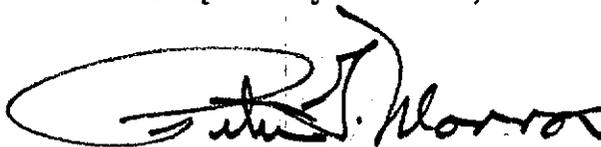
<sup>3</sup> NRS Chapter 533.

<sup>4</sup> NRS Chapter 533.370.

**RULING**

The protests to applications 51185 and 51186 are hereby upheld and said applications are hereby denied on the grounds that the granting thereof would not be in the public interest.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Peter G. Morros". The signature is stylized with a large, sweeping initial "P" and "M".

Peter G. Morros  
State Engineer

PGM/MT/bk

Dated this 18th day of

April, 1988.