

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATION)
44384 FILED TO APPROPRIATE)
THE WATERS OF AN UNNAMED)
SPRING LOCATED IN BUENA VISTA)
VALLEY, PERSHING COUNTY,)
STATE OF NEVADA.)

RULING

GENERAL

I.

Application 44384 was filed on September 2, 1981 by the Pershing County Fair and Recreation Board to appropriate 3.0 c.f.s. of water from an unnamed spring for recreation (picnic ground) purposes within the NE1/4 NW1/4 of Section 27, T.30N., R.34E., M.D.B.&M. The point of diversion is described as being within the NE1/4 SW1/4 Section 22, T.30N., R.34E., M.D.B.&M.¹

FINDINGS OF FACT

I.

A field investigation was conducted on December 6, 1989, by Steven Walmsley, Hydraulic Engineer, of the Division of Water Resources.¹

A flow of 0.04 c.f.s. was measured at the proposed point of diversion using a 90° Triangular V-Notch Weir. A second measurement at a mid-point between the proposed point of diversion and Buena Vista Creek yield 0.03 c.f.s. Flow became subterranean just below this point.

Flows in Unionville Creek also tend to become subterranean and resurface upon reaching an aquaclude in the stream channel.

¹ Public record in the office of the State Engineer.

II.

The relative rights to divert and utilize the waters of Unionville Creek have been decreed "In the District Court of The Sixth Judicial District of the State of Nevada In and For the County of Pershing."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 under an application to appropriate the public waters where⁴:

- A. There is no unappropriated water at the proposed source, or
- B. The proposed use or change conflicts with existing rights, or
- C. The proposed use or change threatens to prove detrimental to the public interest.

III.

Water occurring in Congress Canyon is tributary to Unionville Creek as subterranean flow during low flow periods and may be commingled with storm and snowmelt runoff to reach the main channel of a decreed stream system.²

² Public record in the office of the State Engineer filed under: "Adjudication Proceedings - Unionville Creek (aka Buena Vista Creek) as decreed on the 28th day of April, A.D. 1971.

³ NRS Chapter 533

⁴ NRS 533.370

RULING

Application 44384 is hereby denied on the grounds that the granting thereof would interfere with existing decreed rights on a source that is tributary to Unionville Creek.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Peter G. Morros", is written over a large, hand-drawn oval. The signature is fluid and cursive.

PETER G. MORROS
State Engineer

PGM/SW/pm

Dated this 25th day of

January, 1990