

IN THE OFFICE OF THE STATE ENGINEER
OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATIONS 58155 AND)
58156 FILED TO APPROPRIATE WATER FROM)
ROCK SPRING AND BUCK SPRING LOCATED IN)
PINE VALLEY, EUREKA COUNTY, NEVADA.)

RULING
4092

GENERAL

I.

Application 58155 was filed on September 29, 1992, by Slagowski Ranches Inc., to appropriate 0.01 c.f.s. of water from Rock Spring for stockwatering of 250 head of cattle within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 27, T.28N., R.50E., M.D.B.&M. The point of diversion is described as being located within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 27, T.28N., R.50E., M.D.B.&M.¹

Application 58156 was filed on September 29, 1992, by Slagowski Ranches Inc., to appropriate 0.01 c.f.s. of water from Buck Spring for stockwatering of 250 head of cattle within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 26, T.28N., R.50E., M.D.B.&M. The point of diversion is described as being located within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 26, T.28N., R.50E., M.D.B.&M.¹

Claim of Public Water Reserve R05994 was filed on August 10, 1993, by U.S.D.I., Bureau of Land Management, claiming 0.012 c.f.s. from Buck Spring for stockwatering of 400 head of cattle, 15 mule deer and 3 antelope within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 26, T.28N., R.50E., M.D.B.&M. The point of diversion is described as being located within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 26, T.28N., R.50E., M.D.B.&M.¹

Claim of Public Water Reserve R05995 was filed on August 10, 1993, by U.S.D.I., Bureau of Land Management, claiming 0.012 c.f.s. of water from Rock Spring for stockwatering of 400 head of cattle within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 27, T.28N., R.50E., M.D.B.&M. The point of diversion is described as being located within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 27, T.28N., R.50E., M.D.B.&M.¹

¹ Public record in the Office of the State Engineer.

FINDINGS OF FACT

I.

A letter dated January 12, 1993, from the United States Department of the Interior, Bureau of Land Management, Elko District Office, stated that Slagowski Ranches, et al, has a seasonal grazing preference for 250 head of cattle from April 16 to November 15 of each year.¹

II.

Review of topographic maps and of township cards filed in the Office of the State Engineer revealed that Buck Spring and Rock Spring are not tributary to any other water sources which have vested, decreed or permitted water rights.¹

III.

A review of the records in the State Engineer's Office finds no other applications or permits exist on the two points of diversion requested in the subject applications.

CONCLUSIONS

I.

The State Engineer has jurisdiction in this matter under the provisions of NRS 533.325 and NRS 533.435.

II.

The State Engineer is prohibited by law from granting a permit under an application to appropriate the public waters where:²

- 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.

IV.

The State Engineer concludes that if, in fact, this source of water meets the criteria of a Public Water Reserve, it shall be recognized as such and any permit granted would be subject to the

² NRS Chapter 533.370.

prior reserved right. Conversely, if the source does not qualify for reserved status, any permits granted on the source would only be later in priority to any other vested rights that may exist. Only after a general adjudication of all rights would there be a determination made of the extent of any other vested claims and the validity of any claimed or unclaimed reserved rights.

V.

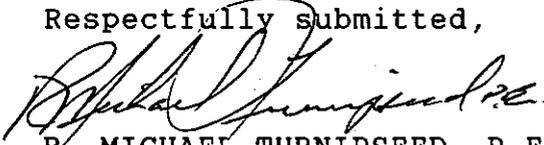
The State Engineer determines that the sources are not tributary to any other water sources and do not have any other water rights attributive to them.

RULING

Applications 58155 and 58156 are hereby approved subject to:

1. Payment of the statutory permit fees.
2. The prior reserved rights of the United States if, in fact, these rights exist and the source meets the proper criteria.
3. All other existing rights.

Respectfully submitted,


R. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/SW/pm

Dated this 16th day of
February, 1994.