

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

IN THE MATTER OF TEMPORARY APPLICATION)  
58866-T FILED TO CHANGE THE PUBLIC )  
WATERS OF AN UNDERGROUND SOURCE WITHIN )  
GABBS VALLEY GROUNDWATER BASIN (122), )  
MINERAL COUNTY, NEVADA. )

RULING

# 4209

GENERAL

I.

Temporary Application 58866-T was filed on May 25, 1993, by Corona Gold, Inc. to temporarily change the point of diversion of 1.5 cfs of water from an underground source heretofore appropriated under Permit 47961. The proposed point of diversion is described as being within NE $\frac{1}{4}$  NW $\frac{1}{4}$  Section 33, T.9N., R.35E., M.D.B.&M. The existing point of diversion is described as being within the SE $\frac{1}{4}$  SW $\frac{1}{4}$  Section 27, T.9N., R.35E., M.D.B.&M.<sup>1</sup> The manner of use and place of use remain unchanged.

Application 58686 was filed on April 1, 1993, by Corona Gold, Inc., to permanently change the point of diversion of 1.5 cfs of water from an underground source heretofore appropriated under Permit 47961. The proposed point of diversion is described as being within NE $\frac{1}{4}$  NW $\frac{1}{4}$  Section 33, T.9N., R.35E., M.D.B.&M. The existing point of diversion is described as being within the SE $\frac{1}{4}$  SW $\frac{1}{4}$  Section 27, T.9N., R.35E., M.D.B.&M. The manner of use and place of use remain unchanged. Application 58686 was permitted on January 20, 1995.<sup>1</sup>

FINDINGS OF FACT

I.

Temporary Application 58866-T and Permit 58686 were virtually duplicate filings to change the same point of diversion from existing Permit 47961. When Permit 58686 was granted, no water right remained to be changed by Temporary Application 58866-T. The State Engineer finds that no existing water right is available to grant the change proposed by Temporary Application 58866-T.

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

CONCLUSIONS

I.

The State Engineer has jurisdiction over the subject matter of this action and determination.<sup>2</sup>

II.

The State Engineer is prohibited by law from granting a permit under an application to appropriate the public waters where:<sup>3</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.

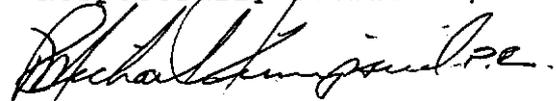
III.

The State Engineer concludes that existing permit 47961 was totally abrogated by the granting of 58686 and, therefore, no existing water right is available for proposed change Temporary Application 58866-T.

RULINGS

Temporary Application 58866-T is hereby denied on the grounds that no unappropriated water remains to be changed and would not be in the public interest.

Respectfully submitted,



R. MICHAEL TURNIPSEED, P.E.  
State Engineer

RMT/DJL/pm

Dated this 8th day of  
August, 1995.

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<sup>2</sup> NRS 533 and 534.

<sup>3</sup> NRS 533.370(3).