

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

IN THE MATTER OF APPLICATION 82843 )  
FILED TO APPROPRIATE THE PUBLIC )  
WATERS OF AN OTHER SURFACE WATER )  
SOURCE WITHIN THE GABBS VALLEY )  
HYDROGRAPHIC BASIN (122), CHURCHILL )  
COUNTY, NEVADA. )

**RULING**

**#6268**

**GENERAL**

**I.**

Application 82843 was filed on May 31, 2013, by Michael A. and Claudia C. Casey to appropriate 0.08 cubic feet per second, not to exceed 5.5 acre-feet seasonally, from an "other surface water" source for stockwater purposes sufficient to water 250 head of cattle. The proposed point of diversion is described as being located within the NE¼ NE¼ of Section 27, T.15N., R.35E., M.D.B.&M. The proposed place of use is described as being located within T.10N., R.35E. and R.36E.; T.11N., R.34E., R.35E. and R.36E.; T.12N., R.34E., R.35E., R.36E. and R.37E.; T.13N., R.35E., R.36E. and R.37E.; T.14N., R.35E., R.36E., R.37E. and R.38E.; T.15N., R.35E., R.36E., R.37E. and R.38E.; T.16N., R.35E., R.36E., R.37E. and R.38E.; T.17N., R.35E., R.36E., R.37E. and R.38E., M.D.B.&M., lying within the Eastgate Grazing Allotment.<sup>1</sup>

**II**

A statement was filed for Application 82843 on January 3, 2014, which describes the "other surface water" source as a man made excavation or pond into which water from snow melt or rain seasonally collects. The water enters the pond from an unnamed stream (wash) from the north. The water does not collect every season due to its intermittent nature. When water does collect, it is generally present from the end of October through April 15<sup>th</sup>. No stream in-flow measurements have been made due to the intermittent nature of the water collection.<sup>1</sup>

**FINDINGS OF FACT**

**I.**

The Office of the State Engineer has reviewed topographic maps and satellite imagery of the "other surface water" source for Application 82843 and has determined that the source of water is, in

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<sup>1</sup> File No. 82843, official records in the Office of the State Engineer.

fact, an intermittent wash where water is only present during snow, rain, or flood run-off events. The State Engineer finds that the water at the source is intermittent and unreliable.

**CONCLUSIONS**

**I.**

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

**II.**

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

- A. there is no unappropriated water at the proposed source;
- B. the proposed use or change conflicts with existing rights;
- C. the proposed use or change conflicts with protectable interests in existing domestic wells as set forth in NRS § 533.024; or
- D. the proposed use or change threatens to prove detrimental to the public interest.

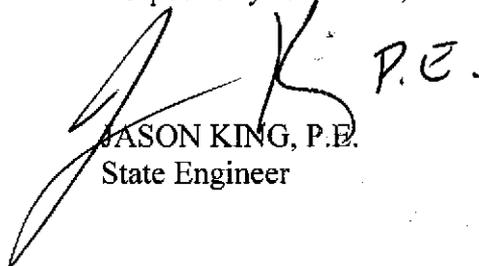
**III.**

The State Engineer concludes that based upon the statement from the Applicant and findings of the review by the Office of the State Engineer of the other surface water source, that water at the proposed source is intermittent and unreliable. Application 82843 cannot be supported by this source and is therefore subject to denial.

**RULING**

Application 82843 is hereby denied on the grounds that the proposed source of water is intermittent and unreliable, and therefore has no unappropriated water at the source pursuant to NRS § 533.370(2).

Respectfully submitted,

  
JASON KING, P.E.  
State Engineer

Dated this 7th day of  
March, 2014.

<sup>2</sup> NRS Chapter 533.  
<sup>3</sup> NRS § 533.370(2).