

IN THE MATTER OF APPLICATIONS 42114 )  
AND 42117 TO APPROPRIATE WATER FROM )  
AN UNDERGROUND SOURCE IN THE MONITOR )  
VALLEY BASIN, NYE COUNTY, NEVADA )

R U L I N G

140B

INTRODUCTION

Applications 42114 and 42117 were filed on August 19, 1980, by Dresser Industries, Inc., to appropriate water from an underground source in the Monitor Valley Basin, Nye County, Nevada.

FINDINGS OF FACT

I

Applications 42114 and 42117 were filed on August 19, 1980, by Dresser Industries, Inc., to appropriate a total of 3.0 c.f.s. from separate underground sources for mining, milling, and domestic purposes. Water will be diverted from the following points: Application 42114 within the NE $\frac{1}{4}$  SE $\frac{1}{4}$  Section 10, T.12N., R.46E., for 1.5 c.f.s.; and Application 42117 within the NW $\frac{1}{4}$  NE $\frac{1}{4}$  Section 12, T.12N., R.46E., for 1.5 c.f.s. The period of use to be from January 1 to December 31 of each year. 1/

II

Notices of Applications 42114 and 42117 were published in the Tonopah Times Bonanza and Goldfield News. 2/

III

A protest to the granting of Applications 42114 and 42117 was timely filed on March 19, 1981, by E. Wayne and Jean N. Hage. 3/ The basis of protest is that Applications 42114 and 42117 are: "within range rights of this protestant and this protestant wishes to be on record in the event these proposed applications do infringe or endanger any existing rights and therefore prays that the application be issued subject to prior rights of the protestant." 4/

CONCLUSIONS

I

The State Engineer has jurisdiction of the parties and the subject matter of this action. 5/

II

The State Engineer, by statute, must approve all permits where:

- (a) There is available unappropriated water at the source, or
- (b) The issuance does not conflict with existing rights, or
- (c) The proposed use is not detrimental to the public interest. 6/

III

The granting of permits under Applications 42114 and 42117 would be subject to prior water rights.

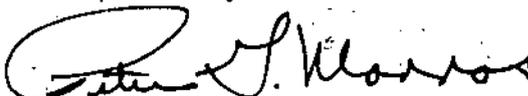
IV

The State Engineer finds there is unappropriated water in the Monitor Valley Ground Water Basin.

RULING

The protests are overruled and permits will be issued under Applications 42114 and 42117 upon payment of the required statutory fees. The State Engineer finds that granting of the permits will not conflict with existing water rights, they are not detrimental to the public interest, and there is unappropriated water at the source. The permits will be subject to existing water rights allowing for a reasonable lowering of the ground water level.

Respectfully submitted,



Peter G. Morros  
State Engineer

PGM/SK/gk

Dated this 20th day  
of AUGUST, 1981.

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FOOTNOTES

1. Public records available in the office of the State Engineer.
2. Public records available in the office of the State Engineer, NRS 533.110.
3. NRS 533.365, Section 1.
4. Public records available in the office of the State Engineer.
5. NRS 534.020.
6. NRS 533.370, Section 1.