

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATION 46928)
FILED TO APPROPRIATE THE PUBLIC)
WATERS OF AN UNDERGROUND SOURCE IN)
THE IMLAY AREA, PERSHING COUNTY,))
NEVADA.)

RULING

GENERAL

Application 46928 was filed on May 18, 1983, by Robert E. Meyer to appropriate 4.45 c.f.s. of water from an underground source for mining, milling and domestic purposes within the SE1/4 Section 14; S1/2 Section 15; SE1/4, SE1/4 NE1/4, SE1/4 SW1/4 Section 16; E1/2 Section 21; all of Section 22; N1/2 N1/2, S1/2 NW1/4, SW1/4 NE1/4, N1/2 SW1/4, SW1/4 SW1/4 Section 23; all of Section 27; NW1/4 NW1/4 Section 24; all in T.33N., R.36E., M.D.B.&M. The point of diversion is described as being within the NW1/4 SE1/4 Section 15, T.33N., R.36E., M.D.B.&M.¹

Application 46928 was timely protested by Arthur L. Baker on the following grounds:¹

"This underground source will deny our previous rights for both underground and surface rights. This source drains into Dun Glen Canyon and Creek.

These surface and underground rights held for many years under Application numbers 17552 and 17562. Application 17552 surface water Dun Glen Creek and Application 17563 is an underground water source which will be affected. There has been insufficient water until last winter to provide for the mining operations by Proquip Mining Co. Please deny these applications by Robt. E. Meyers."

A field investigation was conducted on August 16, 1984, to attempt to resolve the protest and to gather additional information for the State Engineer.¹

The proposed well site for Application 46928 was inspected and found to be located on a bench at the 5520 foot level adjacent to Butcher Springs in the East Range Mountains.

The protestant has a certificated underground right (17562) approximately three quarters of a mile to the northeast in Dun Glen Canyon at the 5200 foot level.

¹ Public record in the office of the State Engineer under Application 46928.

FINDINGS OF FACT

I.

Application 46928 is one of nine requests to appropriate approximately 5000 gallons per minute of water for a washing and processing plant.² It is theoretically possible that approximately 2000 gallons per minute of water would be pumped from this well site to a plant located at a lower elevation in the valley.

II.

The proposed location of the well under Application 46928 is approximately three quarters of a mile from an existing certificated underground right for 2.0 c.f.s. at the 5200 foot elevation owned by the protestant.³

III.

Imlay Area Basin (No. 72) has an average perennial yield of 3000 acre-feet of water.⁴

CONCLUSIONS

I.

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

II.

The State Engineer is prohibited by law from granting a permit under an application to appropriate the public waters where:⁶

- 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.

² A copy of a letter from Richard W. Harris, dated January 28, 1985, is a public record filed under Application 46928 in the office of the State Engineer.

³ USGS 15 Minute Quadrangle Map entitled "Dun Glen, Nev." (279).

⁴ A copy of the basin abstract for Imlay Area is a public record on file in the office of the State Engineer.

⁵ NRS 533.375.

⁶ NRS 533.370 (3); NRS 534.020.

III.

Application 46928 filed to pump up to 1997 gallons per minute of water for conveyance to a central washing and processing plant represents a potential adverse effect to the underground source for Permit 17562, Certificate 5395.

RULING

Application 46928 is hereby denied on the grounds that the proposed use conflicts with existing rights and threatens to prove detrimental to the public welfare.

Respectfully submitted,



PETER G. MORROS
State Engineer

PGM/GC/bl

Dated this 4th day of
April, 1985.