

**IN THE OFFICE OF THE STATE ENGINEER**

IN THE MATTER OF APPLICATION 50244)  
FILED TO APPROPRIATE THE PUBLIC)  
WATERS OF AN UNDERGROUND SOURCE IN)  
MONITOR VALLEY (SOUTHERN PART), NYE)  
COUNTY, NEVADA. )

**RULING**

**GENERAL**

Application 50244 was filed on October 2, 1986, by the Board of Nye County Commissioners to appropriate 0.25 c.f.s. of water from an underground source for quasi-municipal (Town of Belmont) purposes within the SW1/4 NW1/4 Section 25, E1/2 NE1/4 and NW1/4 SE1/4 Section 26, T.9N., R.45E., M.D.B.&M. The point of diversion is described as being within the SW1/4 NW1/4 Section 25, T.9N., R.45 E., M.D.B.&M.<sup>1</sup>

**FINDINGS OF FACT**

I.

Application 50244 was protested on January 13, 1985, by E. Wayne Hage on the following grounds:<sup>1</sup>

"This protestant, being the owner of record of the grazing rights and certain patent lands in the near vicinity (also water rights) would like to go on record as such."

The protestant requested that the application be issued subject to prior rights.

**CONCLUSIONS**

I.

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

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

<sup>2</sup> NRS 533.325.

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.

Information available to the State Engineer indicates there will be no adverse affect on existing rights if Application 5 0244 is approved.<sup>1</sup>

RULING

The protest to the granting of Application 5 0244 is hereby upheld and a permit will be issued subject to existing rights upon receipt of the required permit fees.

Respectfully submitted,



PETER G. MORROS  
State Engineer

PGM/MM/bk

Dated this 9th day of  
February, 1989.

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<sup>3</sup> NRS 5 33.370(3).