

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

IN THE MATTER OF APPLICATION 56766 )  
FILED TO APPROPRIATE THE PUBLIC )  
WATERS OF AN UNDERGROUND SOURCE )  
WITHIN THE MASON VALLEY GROUNDWATER )  
BASIN (108), LYON COUNTY, NEVADA. )

RULING

# 4522

GENERAL

I.

Application 56766 was filed on September 24, 1991, by Lyon County to appropriate 0.0083 cubic feet per second (cfs), 6 acre feet annually, of water from the Mason Valley Groundwater Basin for construction water and dust abatement purposes within portions of Sections 11, 12, 14, 15, 16, 21, 22, 23, 25 and 28, T.13N., R.25E., and Section 33, T.14N., R.25E., M.D.B.&M. The point of diversion is described as being located within the NE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 14, T.13N., R.25E., M.D.B.&M. Application 56766 became ready for the State Engineer's action on February 23, 1992.<sup>1</sup>

FINDINGS OF FACT

I.

The State Engineer finds that the point of diversion proposed under Application 56766 is an existing well owned by the City of Yerington under Permit 35974 and Permit 59609.<sup>2</sup>

II.

By letters dated May 1, 1992, December 16, 1994, February 15, 1996, and December 17, 1996, Lyon County was advised that the point of diversion was a City of Yerington well and before a permit could be issued for Application 56766 Lyon County would need to send authorization from the City of Yerington for the use of the well.<sup>1</sup> Responses to the State Engineer's letters were received on May 26, 1992, and December 28, 1994, wherein Lyon County indicated an

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<sup>1</sup>File No. 56766, official records in the office of the State Engineer.

<sup>2</sup>File Nos. 35974 and 59609, official records in the office of the State Engineer.

agreement with the City of Yerington was forthcoming. The State Engineer finds that no authorization or agreement has been received to date for use of the City of Yerington's well.<sup>1</sup>

III.

By certified mail dated March 10, 1997, Lyon County was again advised that a request for authorization to use the City of Yerington's well was being made pursuant to NRS 533.375 and that failure to provide the authorization may cause denial of Application 56766.<sup>1</sup> The return receipt for the certified letter was received on March 12, 1997. The State Engineer finds no response was received from the applicant.<sup>1</sup>

CONCLUSIONS

I.

The State Engineer has jurisdiction over the parties and of the subject matter of this action and determination.<sup>3</sup>

II.

Before either approving or rejecting an application, the State Engineer may require such additional information as will enable him to properly guard the public interest.<sup>4</sup>

III.

The State Engineer is prohibited by law from granting a permit under an application to appropriate the public waters where:<sup>5</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.

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<sup>3</sup>NRS Chapters 533 and 534.

<sup>4</sup>NRS 533.375.

<sup>5</sup>NRS 533.370(3).

IV.

The applicant was properly notified of the requirement for additional information concerning this application and failed to submit the required information to the State Engineer's office. The State Engineer concludes that without the information requested sufficient information is not available for the State Engineer to properly guard the public interest.

RULING

Application 56766 is hereby denied on the grounds that the applicant has not submitted the information requested and that without this information the granting of a permit under this application would be detrimental to the public interest.

Respectfully submitted,



R. MICHAEL TURNIPSEED, P.E.  
State Engineer

RMT/CAB/ab

Dated this 2nd day of  
May, 1997.