

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATION 49399)
FILED TO APPROPRIATE THE PUBLIC)
WATERS OF AN UNDERGROUND SOURCE IN)
SMITH VALLEY, LYON COUNTY, NEVADA.)

SUPPLEMENTAL RULING

FINDINGS OF FACT

I.

Ruling No. 3315 was issued by the State Engineer on February 13, 1986, overruling the protest of John Bielaski to the granting of a permit under Application 49399 in the name of N. S. Schwartz. Subsequently, the State Engineer's office discovered that the point of diversion described under Application 49399 is located in Douglas County in near proximity to the Douglas County - Lyon County boundary. The application had previously been published in a Lyon County newspaper. Application 49399 was republished in the Record Courier located in Douglas County for five consecutive weeks ending March 27, 1986.¹

II.

Mr. Bielaski filed a protest on April 24, 1986, requesting denial of Application 49399. The April 24, 1986, protest is virtually identical to the protest of Mr. Bielaski filed on December 13, 1985, which was overruled by Ruling No. 3315. No additional information was presented in support of the protest.¹

CONCLUSIONS

I.

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

II.

No new evidence has been presented to the State Engineer regarding this matter.

¹ Public record in the office of the State Engineer.

² NRS 533.325.

RULING

Ruling No. 3315 is hereby affirmed and Application 49399 will be granted subject to existing rights.

Respectfully submitted,

PETER G. MORROS
State Engineer

By 
ROLAND D. WESTERGARD, Director
Dept. of Conservation and
Natural Resources

PGM/CT/bl

Dated this 30th day of
April, 1986.