

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

IN THE MATTER OF APPLICATION 50404)  
TO APPROPRIATE UNDERGROUND WATER )  
WITHIN THE PIUTE VALLEY BASIN, )  
CLARK COUNTY, NEVADA. )

RULING

# 3780

GENERAL

I.

Application 50404 was filed by Douglas E. Noland on December 8, 1986, to appropriate 0.22802 c.f.s. of underground water for mining and milling purposes within the NW1/4 of the NW1/4 Section 31, T.30S., R.64E., M.D.B.&M., Clark County, Nevada.

II.

After all interested parties had been duly notified as required under NRS 533.365(3), a formal field investigation was held on October 12, 1989, for the receiving of factual information and evidence deemed necessary by the State Engineer for a full understanding of the above-referenced application.<sup>1</sup> A significant amount of information and evidence was developed at the subject field investigation as all parties were provided a full opportunity to present their respective positions.

FINDINGS OF FACT

I.

Application 50404 proposes to divert underground water for beneficial (mining and milling) use in the Piute Valley Ground Water Basin.

II.

The subject basin has been declared a "designated" basin, pursuant to NRS 534.030(1).

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<sup>1</sup> See Exhibit 1, Notice of Formal Field Investigation of October 12, 1989.

III.

The owner of the lands described under point of diversion and place of use indicated on Application 50404 is the United States of America, administered by the U.S. Bureau of Land Management.

IV.

U.S. Bureau of Land Management records indicate that the lands described for point of diversion and place of use under Application 50404 are withdrawn from mineral location and entry.<sup>2</sup>

CONCLUSIONS

I.

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

II.

The State Engineer is prohibited by law from granting a permit under an application to appropriate the public water where:<sup>4</sup>

- A. There is no unappropriated water at the proposed source, or
- B. The proposed use or change conflicts with existing rights, or
- C. The proposed use or change threatens to prove detrimental to the public interest.

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<sup>2</sup> Public record in the office of the State Engineer, file 50404.

<sup>3</sup> NRS Chapter 533.

<sup>4</sup> NRS Chapter 533.370.

III.

The purposed beneficial use of Application 50404 is for mining and milling purposes. Because the proposed point of diversion and place of use of Application 50404 are located on lands withdrawn from mineral location and entry, the applicant cannot put the water to beneficial use as set forth under NRS 533.380(1).

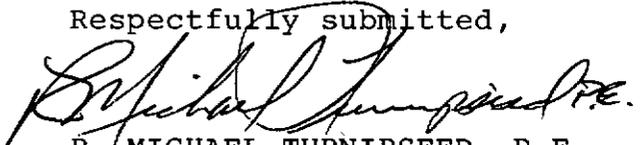
IV.

To grant an application to appropriated the public waters of the State of Nevada for mining purposes on land withdrawn from mineral location and entry or where the applicant cannot demonstrate the ability to place the water to beneficial use would not be in the public interest or welfare.

RULING

Application 50404 is hereby denied on the grounds that to grant an application for mining purposes on lands that the applicant does not own or control and cannot demonstrate the ability to place the water to beneficial use would not be in the public interest and welfare.

Respectfully submitted,



R. MICHAEL TURNIPSEED, P.E.  
State Engineer

RMT/GWQ/pm

Dated this 14th day of  
February, 1991