

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

IN THE MATTER OF APPLICATION 59848)
FILED TO APPROPRIATE THE WATERS OF)
AN UNDERGROUND SOURCE IN MASON)
VALLEY, LYON COUNTY, NEVADA.)

RULING

4142

GENERAL

I.

Application 59848 was filed on March 24, 1994, by F.I.M. Corp. to appropriate 1.0 cfs (cubic feet per second) of water from an underground source for mining and domestic purposes. The proposed point of diversion is located within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 8, T.12N., R.25E., M.D.B.&M. The proposed place of use is located within parts of the W $\frac{1}{2}$ and W $\frac{1}{2}$ E $\frac{1}{2}$ of Section 8.¹

II.

Water Resources Bulletin No. 38, "Water Resources and Development in Mason Valley, Lyon and Mineral Counties, Nevada, 1948-65", was cooperatively prepared in 1969 by the Nevada Department of Conservation and Natural Resources, Division of Water Resources and the U.S. Department of the Interior, Geological Survey.

III.

On January 20, 1977, the State Engineer designated and described the Mason Valley Ground Water Basin as in need of additional administration in accordance with NRS 534.030.²

FINDINGS OF FACT

I.

The proposed point of diversion under Application 59848 is located within the designated Mason Valley Groundwater Basin.^{1,2} The quantity of water already appropriated from this basin is

¹ File No. 59848, public record in the office of the State Engineer.

² State Engineer's Order No's. 627, January 20, 1977 and 691, September 7, 1977, public record in the office of the State Engineer.

approximately 150,000 AFA³ and the quantity of water actually diverted from the groundwater aquifer has increased to an estimated 90,000 AFA in 1994.⁴ Both appropriations and pumpage exceed the perennial yield of 25,000 AFA.⁵ As a result, the elevation of the groundwater surface has dropped dramatically in recent years causing some wells to go dry.⁶ Some wells owned by holders of existing water rights were drilled deeper or plugged and re-drilled to ensure adequate water supply.⁷ The State Engineer finds that approving Application 59848, which seeks to appropriate additional groundwater, would tend to further lower the groundwater table and cause additional conflicts with existing rights.

II.

The dramatic lowering of the groundwater in recent years has caused hardships to water right holders and to domestic well owners in Mason Valley.⁷ The approval of applications to appropriate additional water will magnify this problem. The State Engineer finds that the additional lowering of the groundwater table that would result from the pumping of the groundwater under Application 59848 threatens to prove detrimental to the public interest.

III.

The State Engineer has denied previous applications to appropriate ground water for mining and milling purposes from an underground source in the Mason Valley Groundwater Basin on the grounds that granting permits conflict with existing rights and

³ Hydrographic Basin Abstract 9-108, public records in the office of the State Engineer.

⁴ Preliminary estimate from Division of Water Resources 1994 pumpage inventory, Basin 9-108, public records in the office of the State Engineer.

⁵ Water Resources Bulletin No. 38, p. 57.

⁶ Mason Valley water level measurements, public records in the office of the State Engineer.

⁷ Well Completion Reports, and Well Driller's data base, public records in the office of the State Engineer.

would threaten to prove detrimental to the public interest.⁸ The State Engineer finds that Application 59848 is for the same use within the same basin as those applications that were previously denied.

CONCLUSIONS

I.

The State Engineer has jurisdiction of the parties and the subject matter of this action.⁹

II.

The State Engineer is prohibited by law from granting a permit where:

- 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.¹⁰

III.

The State Engineer may deny a new application prior to publication when a previous application for a similar use of water within the same basin has been denied on the above grounds.¹⁰ Application 59848 was filed to appropriate groundwater for the same purpose within the same basin as certain applications that were denied on the grounds that they would conflict with existing rights and threaten to prove detrimental to the public interest. Therefore, Application 59848 may be denied without publication.

IV.

The State Engineer concludes that the amount of ground water appropriated in the Mason Valley Ground Water Basin exceeds the perennial yield of the Basin. To grant the appropriation of ground

⁸ State Engineer's Ruling No. 4140 dated September 8, 1994, public record in the office of the State Engineer.

⁹ NRS Chapters 533 and 534.

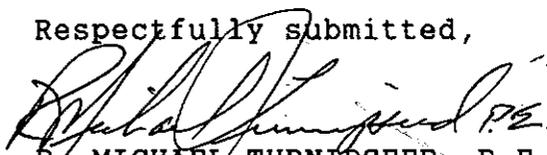
¹⁰ NRS Chapter 533.370 subsection 3.

water requested by Application 59848 for additional consumption of ground water would adversely affect existing rights and threaten to prove detrimental to the public interest.

RULING

Application 59848 is denied without publication on the grounds that the granting of this application for appropriation of ground water in a basin where the water rights of record exceed the perennial yield would conflict with existing rights and threaten to prove detrimental to the public interest.

Respectfully submitted,



R. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/CAB/pm

Dated this 3rd day of
October, 1994.