

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATIONS 35596)
AND 35597 FILED TO APPROPRIATE THE)
PUBLIC WATERS OF AN UNDERGROUND)
SOURCE WITHIN THE DAYTON VALLEY)
GROUND WATER BASIN IN LYON COUNTY,)
NEVADA.)

RULING

GENERAL

Application 35596 was filed on July 7, 1978, by MBR to appropriate 6.0 c.f.s. of water from an underground source for mining, milling and domestic purposes within the S1/2 NW1/4, S1/2 NE1/4 and the SE1/4 of Section 31, T.17N., R.22E., M.D.B.&M. The point of diversion is described as being within the SE1/4 NE1/4 Section 31, T.17N., R.22E., M.D.B.&M.¹

Application 35597 was filed on July 7, 1978, by MBR to appropriate 6.0 c.f.s. of water from an underground source for mining, milling and domestic purposes within the S1/2 NW1/4, S1/2 NE1/4 and the SE1/4 of Section 31, T.17N., R.22E., M.D.B.&M. The point of diversion is described as being within the SE1/4 NE1/4 Section 31, T.17N., R.22E., M.D.B.&M.¹

FINDINGS OF FACT

I.

Permits 26232 and 26233 were permitted on the same points of diversion prior to the filing of Applications 35597 and 35596, respectively.¹

II.

Document No. 84645 filed in the Lyon County, Nevada, Recorder's Office on April 24, 1984, shows the current owners of Permits 26232 and 26233 and the property on which they are located to be in the name of B.C.B. Ventures, a general partnership.¹

III.

The applicant under Applications 35996 and 35997 does not own or control the land described under the place of use of the applications.

¹ Public record in the office of the State Engineer.

CONCLUSIONS

I.

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

II.

Applications 35596 and 35597 were filed on land and existing rights that are not owned or controlled by the applicant.

III.

Granting Applications 35596 and 35597 would interfere with existing rights.

RULING

Applications 35596 and 35597 are herewith denied on the grounds that the granting of the applications would interfere with existing rights and would not be in the public interest and welfare.

Respectfully submitted



Peter G. Morros
State Engineer

PGM/SW/bl

Dated this 1st day of

NOVEMBER, 1984.

² NRS Chapters 533 and 534.