

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

IN THE MATTER OF APPLICATION 71596 )  
FILED TO APPROPRIATE THE PUBLIC )  
WATERS OF AN UNDERGROUND )  
SOURCE WITHIN THE MASON VALLEY )  
HYDROGRAPHIC BASIN (108), LYON )  
COUNTY, NEVADA. )

**RULING**

**#6173**

**GENERAL**

**I.**

Application 71596 was filed on August 20, 2004, by the Morgan Family 1996 Trust to appropriate 0.0056 cubic feet per second of underground water from the Mason Valley Hydrographic Basin. The proposed manner and place of use is for quasi-municipal purposes within a portion of the SW<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub> of Section 3 and a portion of the NW<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub> of Section 10, T.11N., R.25E., M.D.B.&M. The proposed point of diversion is described as being located within the NW<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub> of Section 10, T.11N., R.25E., M.D.B.&M.<sup>1</sup> The application map filed in support of this application shows the place of use as Lyon County APN #012-431-09, with an existing house located within the NW<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub> of Section 10, T.11N., R.25E., M.D.B.&M., and a “new house” to be located within the same parcel within the SW<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub> of Section 3, T.11N., R.25E., M.D.B.&M.<sup>2</sup>

**FINDINGS OF FACT**

**I.**

The State Engineer issued Order No. 627, dated January 20, 1977, designating and describing the Mason Valley Hydrographic Basin as a groundwater basin in need of additional administration under the provisions of NRS Chapter 534.<sup>3</sup> The State Engineer issued Order No. 691, dated September 7, 1977, amending the description of the Mason Valley Hydrographic

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<sup>1</sup> File No. 71596, official records in the Office of the State Engineer.

<sup>2</sup> Map No. 71596, official records in the Office of the State Engineer.

<sup>3</sup> State Engineer’s Order No. 627, dated January 20, 1977, official records in the Office of the State Engineer.

Basin in Order No. 627.<sup>4</sup> The State Engineer issued Order No. 1125, dated February 4, 1997, further designating the Mason Valley Hydrographic Basin by limiting new appropriations to environmental permits and commercial, industrial, or stockwater purposes less than 1,800 gallons per day or less.<sup>5</sup> State Engineer's Order No. 1125 prohibits new appropriations of underground water from the Mason Valley Hydrographic Basin for quasi-municipal purposes. A review of the proposed point of diversion and place of use shows that Application 71596, filed August 20, 2004, is located within the designated Mason Valley Hydrographic Basin and is subject to State Engineer's Order No. 1125. The State Engineer finds that the approval of Application 71596 would violate State Engineer's Order No. 1125.

### CONCLUSIONS

#### I.

The State Engineer has jurisdiction over the parties and the subject matter of this action and determination.<sup>6</sup>

#### II.

The State Engineer is prohibited by law from granting an application to appropriate the public waters where:<sup>7</sup>

- A. there is no unappropriated water at the proposed source;
- B. the proposed use or change conflicts with existing rights;
- C. the proposed use or change conflicts with protectable interests in existing domestic wells as set forth in NRS § 533.024; or
- D. the proposed use or change threatens to prove detrimental to the public interest.

#### III.

State Engineer's Order No. 1125 prohibits new appropriations of underground water from the Mason Valley Hydrographic Basin for quasi-municipal purposes. The State Engineer concludes that the approval of Application 71596 would violate State Engineer's Order No. 1125

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<sup>4</sup> State Engineer's Order No. 691, dated September 7, 1977, official records in the Office of the State Engineer.

<sup>5</sup> State Engineer's Order No. 1125, dated February 4, 1997, official records in the Office of the State Engineer.

<sup>6</sup> NRS Chapters 533 and 534.

<sup>7</sup> NRS § 533.370(2).

and therefore, would conflict with existing rights and threaten to prove detrimental to the public interest.

**IV.**

The State Engineer concludes that it would not be in the public interest to approve a water right application for a manner of use that is not considered a preferred use within the Mason Valley Hydrographic Basin.

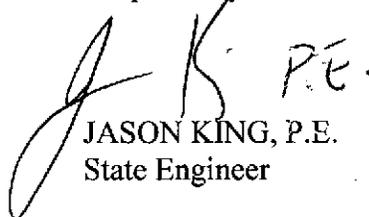
**V.**

The State Engineer concludes that the approval of an additional quasi-municipal permit would conflict with the numerous existing water rights that appropriate underground water from the Mason Valley Hydrographic Basin.

**RULING**

Application 71596 is hereby denied on the grounds that it would violate State Engineer's Order No. 1125, conflict with existing rights and threaten to prove detrimental to the public interest.

Respectfully submitted,

  
JASON KING, P.E.  
State Engineer

Dated this 30th day of  
April, 2012.