

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

IN THE MATTER OF APPLICATION 83060)
FILED TO APPROPRIATE THE PUBLIC)
WATERS OF AN UNDERGROUND)
SOURCE WITHIN THE ANTELOPE)
VALLEY HYDROGRAPHIC BASIN (106,))
DOUGLAS COUNTY, NEVADA.)

RULING
#6366

GENERAL

I.

Application 83060 was filed on September 3, 2013, by JRTJ LLC, to appropriate 2.0 acre-feet annually (afa) of water from an underground source for domestic purposes from January 1 through December 31 of each year. The proposed point of diversion and place of use are described as being located within the SE¼ NW¼ of Section 22, T.10N., R.22E., M.D.B.&M.¹

FINDINGS OF FACT

I.

State Engineer's Order No. 714, dated May 25, 1978, designated and described the Antelope Valley Hydrographic Basin as a groundwater basin in need of additional administration.² The State Engineer expanded the designated area through State Engineer's Order No. 718.³

State Engineer's Order No. 1178, dated July 29, 2005, further designated the Antelope Valley Hydrographic Basin and ordered that applications filed to appropriate water from the groundwater source pursuant to Chapter 534 within the designated Antelope Valley Hydrographic Basin would be denied with the following exceptions:

1. Those applications filed for commercial, industrial, stockwater or wildlife purposes and only those applications that seek to appropriate 1,800 gallons per day or less and where the property is zoned for such purposes.
2. Those applications for environmental permits filed pursuant to NRS § 533.437.⁴

The State Engineer finds that neither of the aforementioned exceptions apply to Application 83060.

¹ File No. 83060, official records in the Office of the State Engineer.

² State Engineer's Order No. 714, dated May 25, 1978, official records in the Office of the State Engineer.

³ State Engineer's Order No. 718, dated August 3, 1978, official records in the Office of the State Engineer.

⁴ State Engineer's Order No. 1178, dated July 29, 2005, official records in the Office of the State Engineer.

CONCLUSIONS OF LAW

I.

The State Engineer has jurisdiction over the parties and the subject matter of this action and determination.⁵

II.

The State Engineer is prohibited by law from granting a permit under an application to appropriate the public water where:⁶

- 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.

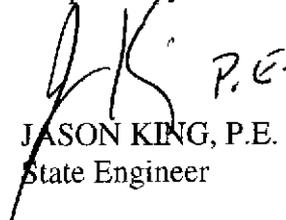
III.

The State Engineer concludes that Application 83060 seeks to appropriate 2.0 afa of groundwater within the Antelope Valley Hydrographic Basin for domestic purposes; however, this manner of use is not an exception under State Engineer's Order No. 1178. Therefore, granting Application 83060 is prohibited under Order No. 1178, and approval of the application would threaten to prove detrimental to the public interest.

RULING

Application 83060 is hereby denied on the grounds that approval is prohibited by State Engineer's Order No. 1178 and granting the application would threaten to prove detrimental to the public interest.

Respectfully submitted,


JASON KING, P.E.
State Engineer

Dated this 19th day of
September, 2016.

⁵ NRS Chapters 533 and 534.
⁶ NRS § 533.370(2).