

**IN THE OFFICE OF THE STATE ENGINEER**

IN THE MATTER OF APPLICATION 51408)  
FILED TO APPROPRIATE THE PUBLIC)  
WATERS OF AN UNDERGROUND SOURCE)  
WITHIN THE GRAPEVINE CANYON)  
GROUNDWATER BASIN, ESMERELDA)  
COUNTY, NEVADA )

**RULING**

**GENERAL**

Application 51408 was filed on October 5, 1987, by Vincent B. Trepl to appropriate 0.25 c.f.s. of water from an underground source for domestic purposes within the SW $\frac{1}{4}$ NE $\frac{1}{4}$  Section 16, T.9S., R.42E., M.D.B.&M.

**FINDINGS OF FACT**

I.

Application 51408 specifies a consumptive use of 300,000 gallons per annum.<sup>1</sup>

II.

NRS 534.0135. states "Domestic Use" extends to culinary and household purposes, in a single-family dwelling, the watering of a family garden, lawn, and the watering of domestic animals.<sup>2</sup>

III.

NRS 534.180(1) states ... this chapter does not apply in the matter of obtaining permits for the development and use of underground water from a well for domestic purposes where the draught does not exceed a daily maximum of 1,800 gallons.<sup>3</sup>

**CONCLUSIONS**

I.

The State Engineer has jurisdiction of the parties and the subject matter of this action and determination.<sup>4</sup>

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1 Public record in the office of the State Engineer.  
2 NRS 534.0135.  
3 NRS 534.180(1).  
4 NRS Chapters 533 and 534.

II.

Before either approving or rejecting an application, the State Engineer may require such additional information as will enable him to guard the public interest properly.<sup>5</sup>

III.

The State Engineer is prohibited by law from granting a permit under an application to appropriate the public waters where:<sup>6</sup>

- 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.

IV.

Application 51408 would average approximately 822 gallons per day domestic consumption and thus falls within the criteria for exemption of domestic permitting requirements by NRS 534.180 (1).<sup>7</sup>

RULING

Application 51408 is herewith denied on the grounds that the use proposed under the application is exempt from the permitting requirements by NRS 534.180(1).

Respectfully submitted,



PETER G. MORROS  
State Engineer

PGM/DL/bk

Dated this 22nd day of  
March, 1988.

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5 NRS 533.375  
6 NRS 533.370(3).  
7 NRS 534.180(1).