

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

IN THE MATTER OF APPLICATIONS)
69877 AND 78562 FILED TO)
APPROPRIATE THE PUBLIC WATERS)
OF THE ANACONDA PIT WITHIN THE)
MASON VALLEY HYDROGRAPHIC)
BASIN (108), LYON COUNTY, NEVADA.)

RULING
#6125

GENERAL

I.

Application 69877 was filed on April 18, 2003, by Don H. Tibbals and Joy M. Tibbals and Circle Bar "N" Ranch, a Nevada General Partnership to appropriate 34.53 cubic feet per second (cfs), for storage of 25,000 acre-feet annually (afa), from an underground source (Anaconda Pit) for purposes to be determined by secondary application. The Anaconda Pit lies within portions of Sections 16, 17, 20 and 21, T.13N., R.25E., M.D.B.&M. The proposed point of diversion is described as being located within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 21, T.13N., R.25E., M.D.B.&M. The proposed place of use is described as to be determined by a secondary application.¹

II.

Application 78562 was filed on May 15, 2009, by Arimetco, Inc. to appropriate 35.0 cfs, not to exceed 25,339 afa, from an underground source (Copper Lake a.k.a. Anaconda Mine Pit Lake) for storage purposes. The lake is the Anaconda Pit described above that lies within portions of Sections 16, 17, 20 and 21, T.13N., R.25E., M.D.B.&M. The proposed point of diversion is described as being located within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 21, T.13N., R.25E., M.D.B.&M. The proposed place of use is described as being located within Sections 16, 17, 20 and 21, all in T.13N., R.25E., M.D.B.&M.²

¹ File No. 69877, official records in the Office of the State Engineer.

² File No. 78562, official records in the Office of the State Engineer.

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 Nevada Revised Statute (NRS) Chapter 534.³ The State Engineer issued Order No. 691, dated September 7, 1977, amending the description of the Mason Valley Hydrographic Basin in Order No. 627.⁴ 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, which seek to appropriate 1,800 gallons per day or less.⁵

II.

The estimated perennial yield of the Mason Valley Hydrographic Basin is approximately 25,000 afa and the system yield of the Mason Valley Hydrographic Basin is approximately 100,000 afa.⁶ The committed water resources in the form of permits and certificates to appropriate underground water of the Mason Valley Hydrographic Basin currently exceed 146,000 afa.⁷ The State Engineer finds that committed groundwater resources of the Mason Valley Hydrographic Basin exceed both the estimated perennial and system yields.

CONCLUSIONS

I.

The State Engineer has jurisdiction over the parties and the subject matter of this action and determination.⁸

³ State Engineer's Order No. 627, dated January 20, 1977, official records in the Office of the State Engineer.

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

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

⁶ C. J. Huxel, Jr., *Water Resources and Development in Mason Valley, Lyon and Mineral Counties, Nevada, 1948-65*, Water Resources Bulletin No. 38, (Department of Conservation and Natural Resources, Division of Water Resources and the United States Department of Interior, Geological Survey), p.59, 1969 .

⁷ Hydrologic Basin Abstract, Water Rights Database, Basin 108, April 15, 2011, official records in the Office of the State Engineer.

⁸ NRS Chapters 533 and 534.

II.

The State Engineer is prohibited by law from granting a permit under an application to appropriate the public water where:⁹

- 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 the approval of these applications to appropriate water from a groundwater basin whose perennial yield is exceeded by its estimated committed groundwater resources would conflict with existing rights and would threaten to prove detrimental to the public interest.

RULING

Applications 69877 and 78562 are hereby denied on the grounds that approval would adversely affect existing rights and threaten to prove detrimental to the public interest.

Respectfully submitted,


JASON KING, P.E.
State Engineer

Dated this 15th day of

June, 2011.

⁹ NRS § 533.370(5).