

IN THE MATTER OF APPLICATION 14004)
FILED BY NEVADA FISH AND GAME)
COMMISSION TO APPROPRIATE WATER) R U L I N G
FROM AN UNDERGROUND SOURCE IN)
NYE COUNTY, NEVADA.)

GENERAL:

Application 14004 was filed January 17, 1952, by the Nevada Fish and Game Commission for 0.5 c.f.s. of water from an underground source (Old Well #7) for recreational and wildlife purposes. The point of diversion is in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 5, T.6N., R.56E., M.D.B.&M.

A protest to the granting of Application 14004 was filed March 24, 1952, by Mr. A. F. Bordoli on the grounds that "there is no unappropriated water at the source designated in said application; that protestant has a prior valid and subsisting water right upon the waters of said Old Well No. 7."

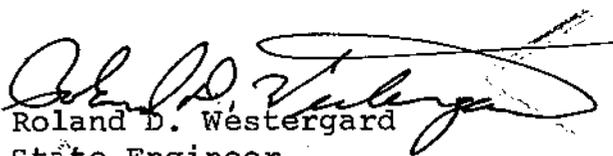
No further action was taken on Application 14004 until December 20, 1972, when the Nevada Fish and Game Commission requested by telephone that the application be reactivated. On December 22, 1972, a letter was sent to the offices of Gray and Horton, who as his attorneys had submitted the protest of A. F. Bordoli, requesting notification of whether or not the protest remained in effect. A reply from Mr. C. E. Horton was received on January 4, 1973, indicating "that this firm has had no contact whatsoever with Mr. Bordoli for many years, and it is our understanding that he is now deceased." On January 9, 1973, a similar letter addressed to Mr. Bordoli was sent by certified mail to Adaven, Nevada, which is his last address of record. On January 15, 1973, the unclaimed letter was returned marked "Addressee Unknown." The letter was remailed on January 17, 1973, to Nyala, Nevada which is the town nearest the location of Application 14004 and which was also a previous address of record for Mr. Bordoli. The unclaimed letter was returned on January 31, 1973, marked "Addressee Unknown."

The protest of Mr. Bordoli stated "that protestant has a prior valid and subsisting water right upon the waters of Old Well No. 7." However, a search of the records of the office of the State Engineer indicates that no water rights exist on the well in question. Permit No. 8438, of record in the name of A. F. Bordoli, was issued August 30, 1929, for 0.004 c.f.s. from an artesian well for stockwatering. The point of diversion is in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 5, T.6N.,R.56E., and is shown on the supporting map to be approximately 300 ft. south of the point of diversion described under Application 14004. These two wells may actually both be the same one, that being the Old Well No. 7, with the difference in the location of the point of diversion being due to inaccuracy in either or both surveys. However, Permit 8438 was cancelled on April 14, 1970, for failure to submit certificate fees, and the protestants claim of prior valid water rights on the well must therefore be considered invalid. No other applications have ever been filed for the use of water from this well.

RULING:

The protest to the granting of Application 14004 is herewith overruled on the grounds that there are no prior existing water rights on Old Well No. 7 and the protest is therefore invalid. A permit will be issued under this application subject to existing rights upon receipt of statutory permit fees.

Respectfully submitted,


Roland D. Westergard
State Engineer

RDW:BAR:jw

Dated this 14th day of
February, 1973.