

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

IN THE MATTER OF APPLICATION 54864 FILED )  
TO APPROPRIATE THE PUBLIC WATERS OF AN )  
UNDERGROUND SOURCE WITHIN THE CARSON )  
DESERT GROUNDWATER BASIN (101), CHURCHILL )  
COUNTY, NEVADA )

RULING

# 4301

GENERAL

I.

Application 54864 was filed on May 23, 1990, by Louis and Mary Erquiaga to appropriate 0.5 cubic feet per second (cfs) of water from the Carson Desert Groundwater Basin for stockwatering purposes for use within the SW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 32, T.17N., R.31E., M.D.B.&M. The point of diversion is described as being located within the SW $\frac{1}{4}$ NW $\frac{1}{4}$  of said Section 32. Application 54864 became ready for action by the State Engineer on October 4, 1990.<sup>1</sup>

II.

Application 54864 was timely protested by Anadarko Petroleum Corporation on the following grounds:

The location described in the notice first published August 7, 1990, in the Lahontan Valley News/Fallon Eagle Standard is that of a water well owned by Anadarko. An existing water right pursuant to application 40885 has been previously granted to Anadarko for 0.056 sec. ft. Anadarko has also applied for an increased water right (2.0 sec. ft.) from this well pursuant to application 51448. The well is located on BLM land and is operated by Anadarko under bond number 153571. Should Anadarko ever wish to abandon the well, the BLM has the first right-of-refusal to take over the well.

Anadarko Petroleum Corporation requested that Application 54864 be denied.<sup>1</sup>

<sup>1</sup> File No. 54864, official records of the Office of the State Engineer.

FINDINGS OF FACT

I.

By letter dated August 30, 1991, the applicants informed the State Engineer that if some time in the future the Anadarko Company should relinquish its lease or have no further use of the well the applicants would like to refile on the well for stockwater purposes.<sup>1</sup> On November 20, 1995, the State Engineer wrote to the applicants to inquire as to whether their letter of August 30, 1991, was a withdrawal of their application due to the protest filed by Anadarko.<sup>1</sup> The applicants were requested to respond within 30 days to confirm if it was in fact their intention to withdraw Application 54864; otherwise, the State Engineer would assume the applicants had no further interest in the application. The State Engineer finds that to date no information has been received in response to the request for information.

CONCLUSIONS

I.

The State Engineer has jurisdiction over the parties and the subject matter of this action and determination.<sup>2</sup>

II.

Before either approving or rejecting an application, the State Engineer may require such additional information as will enable him to properly guard the public interest.<sup>3</sup>

III.

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

1. There is no unappropriated water at the proposed source, or
2. The proposed use conflicts with existing rights, or

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<sup>2</sup> NRS Chapters 533 and 534.

<sup>3</sup> NRS 533.375.

3. The proposed use threatens to prove detrimental to the public interest.<sup>4</sup>

IV.

The State Engineer concludes the applicants were properly notified of the requirement of additional information concerning this application and have failed to submit the requested information to the State Engineer's Office. The State Engineer concludes that without the additional information requested, sufficient information is not available for the State Engineer to properly guard the public interest.

RULING

Application 54864 is hereby denied on the grounds that the applicants did not timely respond to the State Engineer's request as to whether they are even interested in pursuing this application, and that without this information granting of the application would be detrimental to the public interest.

Respectfully submitted,

  
R. MICHAEL TURNIPSEED, P.E.  
State Engineer

RMT/SJT/ab

Dated this 21st day of  
February, 1996.

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<sup>4</sup> NRS 533.370(3).