

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

IN THE MATTER OF APPLICATION 42711 FILED)
TO APPROPRIATE THE PUBLIC WATERS OF A)
SURFACE WATER SOURCE WITHIN THE SPRING)
VALLEY GROUNDWATER BASIN (184), LINCOLN)
COUNTY, NEVADA.)

RULING
4616

GENERAL

I.

Application 42711 was filed on October 24, 1980, by Imperial Farms Land and Cattle Company, Inc., to appropriate 1.50 cubic feet per second (cfs) of water for stockwatering and domestic purposes from a surface water source referred to on the application as "Browns Water". The proposed place of use is within portions of Sections 4 and 5, T.6N., R.68E., and portions of Sections 22, 27, 33 and 34, T.7N., R.68E., M.D.B. & M.¹

II.

Application 42711 was timely protested by the U.S. Government, Bureau of Land Management, Ely District, on the following grounds:¹

- 1) Imperial Farms is not permitted the numbers of livestock to warrant 1.5 CFS for stockwatering purposes;
- 2) Forage production in this area could not support the number of livestock this much water would accommodate;
- 3) BLM records also indicate that there is no private land in the vicinity of the filing to warrant appropriation of water for domestic purposes.

III.

By letter dated February 13, 1991, ownership of Application 42711 was assigned to Geyser Ranch Limited Partnership in the records of the office of the State Engineer.¹

¹ File No. 42711, official records in the office of the State Engineer.

FINDINGS OF FACT

I.

The owner of record was requested by certified letter dated December 23, 1997, to provide the office of the State Engineer with evidence of any continued interest it may have in pursuing Application 42711. The owner was cautioned that if a response was not received within 30 days from the date of the letter the application would be denied. A properly endorsed receipt for the December 23, 1997, certified mailing was received by the office of the State Engineer on January 9, 1998. To date, no response has been received from the owner of record concerning this matter. The State Engineer finds that the owner of record has been provided an opportunity to express its continued interest in pursuing the subject application, but has failed to do so; therefore, said application may be considered for denial.

CONCLUSIONS

I.

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

II.

The State Engineer is prohibited by law from granting a permit to appropriate the public waters where:³

- A. there is no unappropriated water at the proposed source;
- B. the proposed use conflicts with existing rights; or
- C. the proposed use threatens to prove detrimental to the public interest.

² NRS Chapter 533.

³ NRS § 533.370(3).

III.

On December 23, 1997, the owner of record was requested by the office of the State Engineer to provide information concerning any continued interest it may have in pursuing the subject application. The owner was cautioned that a failure to respond to this request would represent a lack of interest in this matter and would result in Application 42711 being denied. The owner failed to provide any indication that it intends to move forward with this application; therefore, the State Engineer concludes that it would not be in the public interest to approve an application which the owner no longer intends to pursue.

RULING

Application 42711 is hereby denied on the grounds that granting said application would not be in the public interest. No ruling is made on the merits of the protest.

Respectfully submitted,



R. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/MDB/cl

Dated this 27th day of
March, 1998.