

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

IN THE MATTER OF APPLICATION )  
37240 FILED TO APPROPRIATE THE )  
PUBLIC WATERS OF AN UNDERGROUND )  
SOURCE WITHIN THE RUBY VALLEY )  
HYDROGRAPHIC BASIN (176), ELKO )  
COUNTY, NEVADA. )

RULING

**#5780**

GENERAL

I.

Application 37240 was filed on March 27, 1979, by Alexander F. Gonzales, Raymond Gonzales and Nora Gonzales to appropriate 8.0 cubic feet per second of water from an underground source within the Ruby Valley Hydrographic Basin for irrigation and domestic purposes within Section 19 and the N½ of Section 30, T.33N., R.61E., M.D.B.&M. The proposed point of diversion is described as being located within Lot 2 (SW¼ NW¼) of Section 30, T.33N., R.61E., M.D.B.&M.<sup>1</sup>

FINDINGS OF FACT

I.

Before either approving or rejecting an application, the State Engineer may require such additional information from the applicant as will enable him to properly guard the public interest.<sup>2</sup>

Accordingly, by certified letter dated January 24, 2006, the Applicants and their agent were requested by the Office of the State Engineer to provide information as to whether they still had an interest in pursuing the subject application. The Applicants were also advised that Application 37240 would be considered for denial if a response was not received within thirty days from the date of the letter. Signed receipts for the certified

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<sup>1</sup> File No. 37240, official records in the Office of the State Engineer.

<sup>2</sup> NRS § 533.375.

letters to the Applicants and their agent were timely received in the Office of the State Engineer. At the time of this ruling, no information has been received from the Applicants during the past 27 years.

The State Engineer finds that the Applicants have failed to demonstrate an active interest in Application 37240 for a period of 27 years.

### CONCLUSIONS

#### I.

The State Engineer has jurisdiction over the parties and the subject matter of this action and determination.<sup>3</sup>

#### II.

The State Engineer is prohibited by law from granting a permit under an application to appropriate the public waters where:<sup>4</sup>

- 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 protectible 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 Applicants have failed to submit the information requested to the State Engineer's office. The State Engineer concludes to grant a water right to applicants that have not expressed an intent to go forward with the project would threaten to prove detrimental to the public interest.

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<sup>3</sup> NRS chapters 533 and 534.

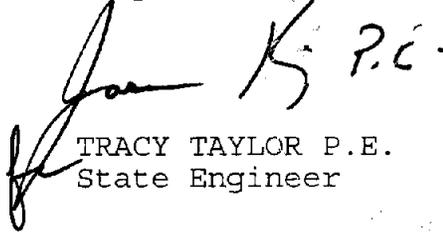
<sup>4</sup> NRS § 533.370(5).

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**RULING**

Application 37240 is hereby denied on the grounds that the granting of the application would threaten to prove detrimental to the public interest.

Respectfully submitted,

 P.E.

TRACY TAYLOR P.E.  
State Engineer

TT/KMH/jm

Dated this 7th day of  
September, 2007.