

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

IN THE MATTER OF THE REQUEST BY THE)
CITY OF CALIENTE, NEVADA, TO RESCIND)
CERTIFICATE 13570 ISSUED UNDER PERMIT)
49893, BY WITHDRAWING PROOF OF)
BENEFICIAL USE, LOWER MEADOW VALLEY)
WASH GROUNDWATER BASIN (205),)
LINCOLN COUNTY, NEVADA.)

RULING

4310

GENERAL

I.

Application 49893 was filed on May 23, 1986, by Caliente Public Utilities to change the point of diversion of 1.5 cubic feet per second (cfs) of water for municipal purposes, a portion of the underground waters previously appropriated under Permit 35588 for use within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 7, the NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, and N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 8, T.4S., R.67E., M.D.B.&M.¹ The proposed point of diversion is located within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 8, T.4S., R.67E., M.D.B.&M. Permit 49893 was issued on February 23, 1988, for 1.5 cfs, but not to exceed 353.85 million gallons annually (MGA) for municipal purposes.

II.

Proof of beneficial use under Permit 49893 was filed on September 10, 1992. The meter readings submitted as part of the proof of beneficial use indicated that 1.45 cfs was diverted and 54.117 million gallons was used over a 12 month period. Certificate 13570 was issued on February 3, 1993, in the amount of 1.45 cfs, but not to exceed 54.117 MGA.

III.

On March 7, 1994, Glenn Van Roekel, agent for the City of Caliente, submitted a sworn affidavit stating in part that the meter readings submitted with the proof of beneficial use filed for Permit 49893 were erroneous, and that record kept by the City of

¹ File No. 49893, official records of the Office of the State Engineer.

Caliente documents usage of more than 215 MGA. A written petition was submitted by Glenn Van Roekel on behalf of the permittee to rescind Certificate 13570 by withdrawing the proof of beneficial use filed under Permit 49893.

FINDINGS OF FACT

I.

The State Engineer finds that the well meter readings received in the State Engineer's Office on September 10, 1992, in support of the proof of beneficial use for Permit 49893 were erroneous.

II.

The State Engineer finds that Certificate 13570 was issued based on incorrect meter readings.

III.

The State Engineer finds that Glenn Van Roekel, as agent for permittee, issued a sworn affidavit to the State Engineer's Office stating in part that the actual use of water from the well under Permit 49893 exceeds 215 MGA.

CONCLUSIONS

I.

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

II.

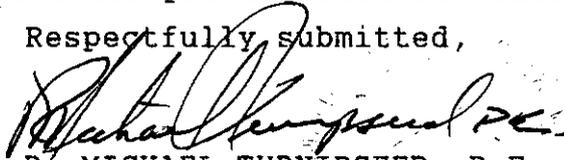
The State Engineer concludes that Certificate 13570 was issued based on incorrect information and that Certificate 13570 should be rescinded.

² NRS Chapters 533 and 534.

RULING

Certificate 13570 is hereby rescinded. The status of the water right hereby reverts to that of a permit, and the permittee has thirty (30) days from the date of this ruling to file in the Office of the State Engineer proof of beneficial use of the waters or apply for an extension of time for proving said beneficial use.

Respectfully submitted,


R. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/SRB/ab

Dated this 18th day of
March, 1996.