

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

IN THE MATTER OF APPLICATIONS )  
63217 AND 63218 FILED TO )  
APPROPRIATE THE PUBLIC WATERS )  
OF AN UNDERGROUND SOURCE )  
WITHIN THE GRANITE SPRINGS )  
VALLEY HYDROGRAPHIC BASIN )  
(078), PERSHING COUNTY, NEVADA. )

**RULING**  
**#5399**

**GENERAL**

**I.**

Application 63217 was filed on July 1, 1997, by William G. Anderson and later assigned to Doris H. Anderson to appropriate 2.7 cubic feet per second (cfs) of water from an underground source for irrigation purposes in support of a Desert Land Entry. The proposed place of use is described as being 160 acres located within the NE $\frac{1}{4}$  SW $\frac{1}{4}$ , SE $\frac{1}{4}$  SW $\frac{1}{4}$ , NW $\frac{1}{4}$  SE $\frac{1}{4}$ , SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 35, T.29N., R.27E., M.D.B.&M. The proposed point of diversion is described as being located within the NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 35, T.29N., R.27E., M.D.B.&M.<sup>1</sup>

**II.**

Application 63218 was filed on July 1, 1997, by William G. Anderson and later assigned to Doris H. Anderson to appropriate 2.7 cfs of water from an underground source for irrigation purposes in support of a Desert Land Entry. The proposed place of use is described as being 160 acres located within the SE $\frac{1}{4}$  NE $\frac{1}{4}$ , NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 35, SW $\frac{1}{4}$  NW $\frac{1}{4}$ , NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 36, T.29N., R.27E., M.D.B.&M. The proposed point of diversion is described as being located within the SW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 36, T.29N., R.27E., M.D.B.&M.<sup>2</sup>

**FINDINGS OF FACT**

**I.**

The applicant and her agent were notified by certified mail dated September 23, 2003, to submit additional information regarding Applications 63217 and 63218 to the

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<sup>1</sup> File No. 63217, official records in the Office of the State Engineer.

<sup>2</sup> File No. 63218, official records in the Office of the State Engineer.

Office of the State Engineer. The applicant was warned that failure to respond within 30 days would result in denial of the applications. A properly endorsed certified mail receipt was received, from the letter to the applicant, in the Office of the State Engineer on September 29, 2003.<sup>1</sup> The letter to the applicant's agent was returned to the Office of the State Engineer, by the U.S. Postal Service, stamped "Not Deliverable as Addressed" and "Unable to Forward". The letter was re-sent to a current address for the agent.<sup>3</sup> To date, the applicant and her agent have expressed no interest in pursuing this application and have not submitted the additional information requested. The State Engineer finds that the applicant and her agent were properly notified of the request for additional information regarding interest in pursuing Applications 63217 and 63218 and have failed to respond.

### CONCLUSIONS

#### I.

The State Engineer has jurisdiction over the parties and the subject matter of this action and determination.<sup>4</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>5</sup>

#### III.

The State Engineer is prohibited by law from granting a permit under an application to appropriate the public water where:<sup>6</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.

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<sup>3</sup> File No. 63215, official records in the Office of the State Engineer.

<sup>4</sup> NRS chapters 533 and 534.

<sup>5</sup> NRS § 533.375.

<sup>6</sup> NRS § 533.370(4).

IV.

The applicant and her agent were properly notified of the requirement for additional information and have failed to submit the information to the Office of the State Engineer. The State Engineer concludes that the failure to express any interest in the application demonstrates the applicant's lack of interest in pursuing Applications 63217 and 63218. The State Engineer concludes it would threaten to prove detrimental to the public interest to issue a permit under these circumstances.

**RULING**

Applications 63217 and 63218 are hereby denied on the grounds their issuance would threaten to prove detrimental to the public interest.

Respectfully submitted,



HUGH RICCI, P.E.  
State Engineer

HR/TW/jm

Dated this 28th day of  
June, 2004.