

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

IN THE MATTER OF APPLICATIONS)
42248, 42249, 42250, 42251, 46099,)
46100, 46101 AND 46102 FILED TO)
APPROPRIATE THE PUBLIC WATERS)
OF AN UNDERGROUND SOURCE)
WITHIN THE SPRING VALLEY)
HYDROGRAPHIC BASIN (184), WHITE)
PINE COUNTY, NEVADA.)

RULING

5600

GENERAL

I.

Application 42248 was filed on August 28, 1980, by Charles F. Teel to appropriate 5.4 cubic feet per second (cfs) of water from an underground source for irrigation and domestic purposes. The proposed place of use is described as being located within the W $\frac{1}{2}$ of Section 7, T.10N., R.67E., M.D.B.&M. The proposed point of diversion is described as being located within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 7.¹

II.

Application 42249 was filed on August 28, 1980, by Charles F. Teel to appropriate 5.4 cfs of water from an underground source for irrigation and domestic purposes. The proposed place of use is described as being located within the W $\frac{1}{2}$ of Section 7, T.10N., R.67E., M.D.B.&M. The proposed point of diversion is described as being located within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 7.²

III.

Application 42250 was filed on August 28, 1980, by Dorothy F. Teel to appropriate 5.4 cfs of water from an underground source for irrigation and domestic purposes. The proposed place of use is described as being located within the W $\frac{1}{2}$ of Section 6, T.10N., R.67E., M.D.B.&M. The proposed point of diversion is described as being located within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 6.³

¹ File No. 42248, official records in the Office of the State Engineer.

² File No. 42249, official records in the Office of the State Engineer.

³ File No. 42250, official records in the Office of the State Engineer.

IV.

Application 42251 was filed on August 28, 1980, by Dorothy F. Teel to appropriate 5.4 cfs of water from an underground source for irrigation and domestic purposes. The proposed place of use is described as being located within the W $\frac{1}{2}$ of Section 6, T.10N., R.67E., M.D.B.&M. The proposed point of diversion is described as being located within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 6.⁴

V.

Application 46099 was filed on August 27, 1982, by Charles F. Teel to change the point of diversion and place of use of 5.4 cfs of the water, previously sought for appropriation under Application 42248. The proposed place of use is described as being located within the W $\frac{1}{2}$ of Section 23, T.11N., R.67E., M.D.B.&M. The proposed point of diversion is described as being located within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 23.⁵

VI.

Application 46100 was filed on August 27, 1982, by Dorothy F. Teel to change the point of diversion and place of use of 5.4 cfs of the water, previously sought for appropriation under Application 42251. The proposed place of use is described as being located within the E $\frac{1}{2}$ of Section 23, T.11N., R.67E., M.D.B.&M. The proposed point of diversion is described as being located within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 23.⁶

VII.

Application 46101 was filed on August 27, 1982, by Charles F. Teel to change the point of diversion and place of use of 5.4 cfs of the water, previously sought for appropriation under Application 42249. The proposed place of use is described as being located within the W $\frac{1}{2}$ of Section 23, T.11N., R.67E., M.D.B.&M. The proposed point of diversion is described as being located within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 23.⁷

VIII.

Application 46102 was filed on August 27, 1982, by Dorothy F. Teel to change the point of diversion and place of use of 5.4 cfs of the water, previously sought for appropriation under Application 42250. The proposed place of use is described as being located within the E $\frac{1}{2}$ of

⁴ File No. 42251, official records in the Office of the State Engineer.

⁵ File No. 46099, official records in the Office of the State Engineer.

⁶ File No. 46100, official records in the Office of the State Engineer.

⁷ File No. 46101, official records in the Office of the State Engineer.

Section 23, T.11N., R.67E., M.D.B.&M. The proposed point of diversion is described as being located within the NE¼ NE¼ of said Section 23.⁸

FINDINGS OF FACT

I.

The applicants and their agent were notified by certified mail dated June 14, 2005, to submit additional information regarding interest in pursuing Applications 42248, 42249, 42250, 42251, 46099, 46100, 46101 and 46102 to the State Engineer's Office. The applicants were warned that failure to respond within 30 days could result in denial of the applications. The U.S. Postal Service returned the certified letters sent to the applicants to the Office of the State Engineer stamped, "return to sender".⁹ The U.S. Postal Service returned the certified letter sent to the applicants' agent to the Office of the State Engineer stamped "return to sender".¹⁰

A review of the application files shows that the last correspondence from the applicants or their agent was November 10, 1982, regarding the filing of a map and amended Applications 46099, 46100, 46101 and 46102.¹¹ From that time forward, the applicants and their agent have expressed no interest in pursuing these applications and have not responded to the certified notices of June 14, 2005.¹²

The State Engineer finds that the applicants and their agent were properly notified of the request for additional information regarding interest in pursuing Applications 42248, 42249, 42250, 42251, 46099, 46100, 46101 and 46102 and have failed to respond. The State Engineer further finds that there has been no correspondence from the applicants or their agent for over 23 years.

CONCLUSIONS

I.

The State Engineer has jurisdiction over the parties and the subject matter of this action and determination.¹³

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.¹⁴

⁸ File No. 46102, official records in the Office of the State Engineer.

⁹ File Nos. 42248 and 42251, official records in the Office of the State Engineer.

¹⁰ File No. 42251, official records in the Office of the State Engineer.

¹¹ File Nos. 46099, 46100, 46101 and 46102, official records in the Office of the State Engineer.

¹² File Nos. 42248, 42249, 42250, 42251, 46099, 46100, 46101 and 46102, official records in the Office of the State Engineer.

¹³ NRS chapters 533 and 534.

¹⁴ NRS § 533.375.

III.

The State Engineer is prohibited by law from granting a permit under an application to appropriate the public water where:¹⁵

- 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.

IV.

The applicants and their 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 for over 23 years and the failure to submit requested information demonstrates the applicants' lack of interest in pursuing Applications 42248, 42249, 42250, 42251, 46099, 46100, 46101 and 46102. The State Engineer concludes it would threaten to prove detrimental to the public interest to issue permits under these circumstances.

RULING

Applications 42248, 42249, 42250, 42251, 46099, 46100, 46101 and 46102 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 30th day of
March, 2006.

¹⁵ NRS § 533.370(5).