

OFFICE OF THE STATE ENGINEER
OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION FOR A)
WELL DRILLER'S LICENSE FILED BY)
ROBERT N. COTTINGHAM.) RULING
_____)

FINDING OF FACT

An application for a Nevada Well Driller's License was filed by Robert N. Cottingham in the office of the State Engineer on May 8, 1990 together with the statutory filing fee of \$50.00. Receipt No. 10177 was issued to Robert N. Cottingham for said filing fee.

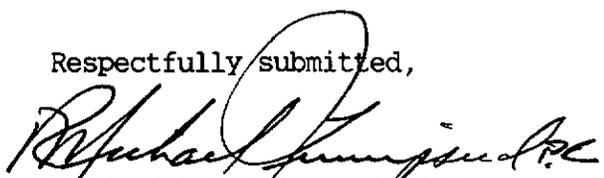
Requests for four references were mailed on May 8, 1990. References were received from four of the requests. The applicant was notified on December 17, 1990 by certified mail to appear before the Statewide Well Drillers' Advisory Board on January 11, 1991 at 2:30 P.M. in Las Vegas, Nevada. The certified mail receipt was signed by R.N. Cottingham on January 11, 1991.¹

The applicant did not appear as requested and did not notify the Office of the State Engineer that he would not appear. The Statewide Well Driller's Advisory Board recommended denial of the application of Robert N. Cottingham on January 11, 1991.²

RULING

The State Engineer concurs with the recommendation of the Board and the application of Robert N. Cottingham is herewith denied on the grounds that the applicant failed to appear as scheduled to substantiate his experience and ability as a water well driller.

Respectfully submitted,


R. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/CAB/jjs

Dated this 13th day
of May, 1993.

¹ Well driller license file is public record in the office of the State Engineer.

² Transcript of taped pertinent portion of Board minutes of January 11, 1991, filed in well driller license file.

perennial yield is continually exceeded, ground water levels will decline until the ground water reservoir is depleted. Withdrawals of ground water in excess of the perennial yield contribute to adverse conditions such as water quality degradation, storage depletion, diminishing yield of wells, increased economic pumping lifts, land subsidence and possible reversal of ground water gradients which could result in significant changes in the recharge-discharge relationship.

III.

The State Engineer finds that existing certificated and permitted ground water rights in the Indian Springs Valley Groundwater Basin exceed 1348 acre feet annually.³

IV.

The State Engineer finds that existing ground water rights in the Indian Springs Valley Groundwater Basin exceed the perennial yield of the basin. Should additional water be allowed for large appropriations under new applications and subsequent detrimental effects occur, the State Engineer is required by law to order that withdrawals be restricted to conform to priority rights.⁴

V.

The State Engineer finds that Application 58330 proposes to divert an additional 1600 acre feet per year from the Indian Springs Valley Groundwater Basin, and further finds that irrigation is not a preferred use in Indian Springs Valley.

VI.

The State Engineer has previously denied applications to appropriate ground water for irrigation and domestic purposes in the Indian Spring Valley Groundwater Basin.⁵

CONCLUSIONS

I.

The State Engineer has jurisdiction of the parties and the subject matter of this action.⁶

⁴ NRS 534.110(6).

⁵ Ruling 2765, public record in the office of the State Engineer.

⁶ NRS 533.025 and 533.030 subsection 1.

II.

The State Engineer is authorized by law to deny applications prior to publication when applications in the same basin for the same purpose were previously denied.¹

III.

The State Engineer is prohibited by law from granting a permit where:¹

1. There is no unappropriated water at the proposed source, or
2. The proposed use conflicts with existing rights, or
3. The proposed use threatens to prove detrimental to the public welfare.

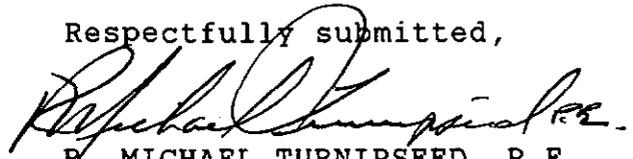
IV.

The State Engineer concludes that existing ground water rights exceed the estimates of perennial yield in the Indian Springs Valley Groundwater Basin and that to approve an additional appropriation for irrigation under Application 58330 from the limited ground water reservoir would adversely affect existing rights and be detrimental to the public interest.

RULING

Application 58330 is denied on the grounds that the granting of this application for an appropriation for irrigation of 320 acres would conflict with existing rights and be detrimental to the public interest.

Respectfully submitted,


E. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/MB/pm

Dated this 14th day of
May, 1993.

¹ NRS 533.370 subsection 3.