

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATION 17076)  
FILED TO APPROPRIATE THE PUBLIC)  
WATERS OF POTOSI SPRING, MESQUITE)  
VALLEY, IN CLARK COUNTY, NEVADA. )  
)

RULING

GENERAL

Application 17076 was filed on October 25, 1956 by Vera Krupp to appropriate .0047 c.f.s. of water from Potosi Spring for stockwater and domestic use in the SW1/4 SW1/4 Section 1, T.23S., R.57E., M.D.B.&M. The point of diversion is described as being within the SW1/4 SW1/4 Section 1, T.23S., R.57E., M.D.B.&M.<sup>1</sup>

The application was duly processed and subsequently protested by C.D. Williams on the grounds that:

- "1. Par. 4 (i) of application: No permit issued subsequent to 1916, per letter, Ref. 465 & 2377, dated June 2, 1954 to C.D. Williams, by F.N. Dondero, Deputy State Engr.
2. Par. 7 of application: Incorrect, inasmuch as notices of Comencement and Completion have been filed as required by the Protestants listed above.
3. As previous correspondence under reference number 15840 will show, parties unknown to the Protestants made considerable changes to the works of said Protestants, and because of said changes, ability to use the waters as desired has been impaired."

FINDINGS OF FACT

I.

The applicant was contacted by certified letter on January 21, 1971, giving her 30 days in which to reply as to whether she was still interested in pursuing application. The letter was returned marked "deceased"<sup>2</sup>

II.

A letter from Hughes Tool Co. was received February 16, 1971, stating that they were interested in pursuing the application and putting the water to beneficial use.<sup>3</sup>

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<sup>1</sup> Applications 465, 2377, 15840 and 17076, public record in the office of the State Engineer.

<sup>2</sup> See certified letter (Certified Number 106922) under Application 17076.

<sup>3</sup> See letter in file 17076 dated February 11, 1971.

III.

On March 12, 1971, Hughes Tool Co. was notified by certified letter that they had not provided sufficient documentation to transfer title from the applicant.<sup>4</sup>

IV.

Prior to this application the State Engineer has received and acted on Applications 465, 2377 and 15840 for the same source. Of these applications, 465 and 15840 have either been withdrawn by the applicant or been cancelled however, Permit 2377 was certificated (#317) for .00133 c.f.s. for domestic and milling purposes.

CONCLUSIONS

I.

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

II.

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

- A. There is no unappropriated water at the proposed source, or
- B. The proposed use conflicts with existing rights, or
- C. The proposed use threatens to prove detrimental to the public interest.

III.

The State Engineer concludes that it would not be in the public interest to approve this application in view of the fact that:

- 1) The applicant is deceased.
- 2) The claimed owner (Hughes Tool Co.) could not prove title.
- 3) There is a prior right on the source that has been certificated.

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<sup>4</sup> See certified letter (Certified Number 109656) under Application 17076.

<sup>5</sup> NRS Chapter 533

<sup>6</sup> NRS 533.370(3)

RULING

The protest to Application 17076 is hereby upheld and Application Number 17076 is hereby denied on the grounds that to grant the application would interfere with existing rights.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Peter G. Morros", is written over a faint circular stamp. The signature is fluid and cursive.

PETER G. MORROS  
State Engineer

PGM/jjk

Dated this 6th day of  
February, 1987.