

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

IN THE MATTER OF APPLICATION 17944)  
FILED TO APPROPRIATE THE WATERS OF)  
AN UNDERGROUND SOURCE LOCATED IN )  
LONG VALLEY, WHITE PINE COUNTY, )  
STATE OF NEVADA. )

RULING

GENERAL

I.

Application 17944 was filed on April 20, 1959, by Fernando Goicoechea and Sons to appropriate 0.1114 c.f.s. of water from an underground source for stockwatering purposes for 10,000 head of sheep within NW1/4 SW1/4 Section 34, T.23N., R.58E., M.D.B.&M. The point of diversion is described as being located within the NE1/4 SW1/4 Section 34, T.23N., R.58E., M.D.B.&M.<sup>1</sup>

II.

Application 17944 was timely protested on October 28, 1959, by Julian Goicoechea on the following grounds:<sup>1</sup>

"That it would impair and conflict with the value of existing rights; that it would be against public policy to grant said application, and contrary to statute; that the granting of said application would interfere with the customary use of Protestant's grazing of said areas; that the source of underground water applied for is within the range areas proposed to be allotted to Protestant by the B.L.M., and which individual allotment to Protestant is now in process of adjudication."

Wherefore protestant prays that the application be denied and that the use of water herein claimed by protestant be confirmed and that an order be entered establishing said right and for such other relief as the State Engineer deems just and proper.

---

<sup>1</sup> Public record in the office of the State Engineer.

FINDINGS OF FACT

I.

By letter, dated February 17, 1965, the United States Department of the Interior, Bureau of Land Management, stated that the well described under Application 17944 "is located in the Warm Springs Allotment of Julian Goicoechea."<sup>2</sup>

II.

Letters, dated March 16, 1965; May 4, 1965; October 15, 1980; December 12, 1980; and March 6, 1990<sup>2</sup> have attempted to clarify ownership of Application 17944. To date no responses concerning the transfer have been received by this office.

III.

By letter, dated October 6, 1980, the United States Department of the Interior, Bureau of Land Management, stated that Mr. Daniel Russell is the current permittee for the portion of the Warm Springs allotment within which the proposed well under Application 17944 is located.<sup>2</sup>

IV.

A certified letter was mailed from the Division of Water Resources to Dick Meecham, ranch manager, for Russell Ranches, on March 6, 1990. The letter allowed a 30-day period within which to reply or Applications 17944 would be denied by the State Engineer.<sup>2</sup>

The return receipt was signed by Dick Meecham on March 7, 1990.

To date this office has no response regarding this request.

CONCLUSIONS

I.

The State Engineer has jurisdiction over the matter described herein.<sup>3</sup>

-----  
<sup>2</sup> Public record in the office of the State Engineer located in File No. 17944, Certified Receipt P 560 207 383.

<sup>3</sup> NRS Chapters 533 and 534.

II.

Application 17944 is filed on land administered by the Bureau of Land Management for which the applicant is no longer the permitted range user. Therefore, he cannot demonstrate the ability to place the water to beneficial use.

III.

To grant an application to appropriate the public water for stockwatering on lands the applicant is not the permitted range user or where the applicant cannot demonstrate the ability to place the water to beneficial use, would not be in the public interest and welfare.

IV.

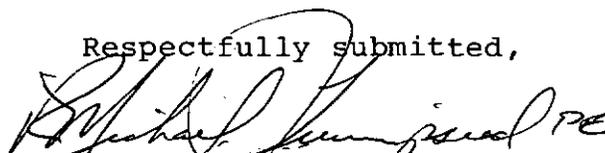
No response was received to date from the letter, dated March 6, 1990, which allowed a 30-day response period. Noncompliance with this request will result in the State Engineer's denial of Application 17944.

RULING

Application 17944 is herewith denied on the grounds that to grant an application for stockwatering purposes on lands that the applicant is not the grazing permittee and cannot demonstrate the ability to place the water to beneficial use, would not be in the public interest and welfare. Further, Application 17944 is also denied on the grounds that no response was returned from a letter requesting additional information.

No ruling is made on the basis of the October 28, 1959, protest.

Respectfully submitted,

  
R. MICHAEL TURNIPSEED, P.E.  
State Engineer

RMT/SW/pm

Dated this 21st day of  
December, 1990