

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

IN THE MATTER OF APPLICATIONS)
57180 AND 57181 FILED TO)
APROPRIATE THE PUBLIC WATERS OF)
AN UNDERGROUND SOURCE WITHIN)
THE STEPTOE VALLEY HYDROGRAPHIC)
BASIN (179), WHITE PINE COUNTY,)
NEVADA.)

RULING
5247

GENERAL

I.

Application 57180 was filed on February 11, 1992, by Norman L. Goeringer to appropriate 1.0 cubic foot per second (cfs) of water from an underground source for quasi-municipal purposes within the S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 22, and the NW $\frac{1}{4}$ NE $\frac{1}{4}$ and the NW $\frac{1}{4}$ of Section 27, all within T.16N., R.63E., 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 22.¹

II.

Application 57181 was filed on February 11, 1992, by Norman L. Goeringer to appropriate 1.0 cfs of water from an underground source for quasi-municipal purposes within the S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 22, and the NW $\frac{1}{4}$ NE $\frac{1}{4}$ and the NW $\frac{1}{4}$ of Section 27, all within T.16N., R.63E., M.D.B.&M. The proposed point of diversion is described as being located within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 22.²

¹ File No. 57180, official records in the Office of the State Engineer.

² File No. 57181, official records in the Office of the State Engineer.

III.

Applications 57180 and 57181 were timely protested by the City of Ely stating in part that "New wells may lower the water table and be detrimental to existing water rights of the City of Ely."^{1,2}

FINDINGS OF FACT

I.

The applicant and his agent were requested by certified mail dated December 13, 2002, to advise the Office of the State Engineer if the applicant was still interested in pursuing Applications 57180 and 57181. The applicant and his agent were further warned that failure to respond within 30 days might result in denial of the applications. The return receipt from this certified letter to the agent was received in the Office of the State Engineer on December 18, 2002. The certified letter addressed to the applicant was returned to the Office of the State Engineer on December 19, 2002 marked "Undeliverable as addressed, unable to forward".¹

II.

The State Engineer finds that the applicant and his agent were properly notified, and by failing to respond the State Engineer finds that they are not interested in pursuing Applications 57180 and 57181.^{1,2}

III.

The State Engineer finds that it is the responsibility of the applicant and his agent, or their successors in interest, to keep this office informed of a valid and current mailing address.

CONCLUSIONS

I.

The State Engineer has jurisdiction over the parties and the subject matter of this action and determination.³

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.⁴

III.

The State Engineer is prohibited by law from granting an application to appropriate the public waters where:⁵

- 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 applicant and his agent were properly notified by certified mail and were requested to respond within 30 days of the date of the letter if the applicant was still interested in pursuing Applications 57180 and 57181. The State Engineer concludes that the applicants failure to respond affirms his lack of interest in continuing with the applications, and to grant applications for which the applicant has expressed no interest in pursuing would threaten to prove detrimental to the public interest.

³ NRS chapters 533 and 534.

⁴ NRS § 533.375.

⁵ NRS § 533.370(3).

RULING

Applications 57180 and 57181 are hereby denied on the grounds that the applicant and his agent have not submitted the information requested by the State Engineer's office and that without this information the granting of the applications would threaten to prove detrimental to the public interest. No ruling is made on the merits of the protest.

Respectfully submitted,



HUGH RICCI, P.E.
State Engineer

HR/RD/jm

Dated this 19th day of
May, 2003.