

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

IN THE MATTER OF APPLICATIONS)
32598 and 32600 FILED TO)
APPROPRIATE THE PUBLIC WATERS OF)
AN UNDERGROUND SOURCE WITHIN THE)
WHITE RIVER VALLEY HYDROGRAPHIC)
BASIN (207), WHITE PINE COUNTY,)
NEVADA.)

RULING

5523

GENERAL

I.

Application 32598 was filed on June 30, 1977, by Neil Bradshaw (for Monolith Corp.) to appropriate 10.8 cubic feet per second (cfs) of water from an underground source within the White River Valley Hydrographic Basin, White Pine County, Nevada, for irrigation and domestic purposes within Section 10, T.12N., R.62E., M.D.B.&M. The proposed point of diversion is described as being located within the NE¼ NE¼ of said Section 10.¹ Application 32598 was filed in support of a Carey Land Act Application.

II.

Application 32600 was filed on June 30, 1977, by Neil Bradshaw (for Monolith Corp.) to appropriate 10.8 cfs of water from an underground source within the White River Valley Hydrographic Basin, White Pine County, Nevada, for irrigation and domestic purposes within Section 15, T.12N., R.62E., M.D.B.&M. The proposed point of diversion is described as being located within the NE¼ NE¼ of said Section 15.² Application 32600 was filed in support of a Carey Land Act Application.

FINDINGS OF FACT

I.

By certified letter dated February 4, 2005, to the applicant and his agent, the Office of the State Engineer requested the

¹ File No. 32598, official records in the Office of the State Engineer.

² File No. 32600, official records in the Office of the State Engineer.

applicant to provide information as to whether he still had an interest in pursuing the application. The letter assigned a 30-day time frame to submit the requested information or the application would be subject to denial. The certified letter to the applicant was returned by the United States Postal Service marked "Unclaimed" and per policy of this office, was resent by regular mail. The signed certified mail receipt from the agent was received in the Office of the State Engineer on February 9, 2005. The State Engineer finds the applicant has not expressed an interest in pursuing these applications in 28 years. The State Engineer finds that no response was received to the request for information.¹

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 from the applicant as will enable him to properly guard the public interest.⁴

III.

The State Engineer is prohibited by law from granting a permit under 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

³ NRS chapters 533 and 534.

⁴ NRS § 533.375.

⁵ NRS § 533.370(4).

D. the proposed use or change threatens to prove detrimental to the public interest.

IV.

The applicant has failed to submit the information requested to the State Engineer's office. The State Engineer concludes that without the additional data sufficient information is not available to properly guard the public interest. The State Engineer concludes to grant a water right to an applicant that does not express an intent to go forward with the project would threaten to prove detrimental to the public interest.

RULING

Applications 32598 and 32600 are hereby denied on the grounds that the applicant has not submitted the data and information requested by the State Engineer's office, and that without this information granting of the applications would threaten to prove detrimental to the public interest.

Respectfully submitted,



HUGH RICCI, P. E.
State Engineer

HR/SJT/jm

Dated this 19th day of
September, 2005.