

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATION )  
39077 FILED TO APPROPRIATE THE )  
WATERS OF AN UNDERGROUND SOURCE) )  
IN EDWARDS CREEK VALLEY, )  
CHURCHILL COUNTY, NEVADA )

RULING

GENERAL

I.

Application 39077 was filed on September 18, 1979, by Alpine Ranching Co., to appropriate 6.0 c.f.s. of water from an underground source for irrigation purposes on 200 acres of land within the S $\frac{1}{2}$  NW $\frac{1}{4}$  Section 3; S $\frac{1}{2}$  NE $\frac{1}{4}$  and NE $\frac{1}{4}$  SW $\frac{1}{4}$  Section 4, T.19N., R.37E., M.D.B.&M. The proposed point of diversion is described as being within the SE $\frac{1}{4}$  NE $\frac{1}{4}$  Section 4, T.19N., R.37E., M.D.B.&M.<sup>1</sup>

FINDINGS

I.

On December 7, 1984, a letter was forwarded to the applicant, Alpine Ranching Company, requesting that the applicant submit documentation establishing ownership of claims of vested right 02065 and 02066 in the name of Alpine Ranching Co.<sup>1</sup>

II.

On October 11, 1985, a letter was sent by certified mail to the applicant enclosing a copy of the December 7, 1984, letter and advising the applicant that no further action would be taken on Application 39077 pending a response by the applicant, but in the absence of a response, the State Engineer would assume that the applicant cannot supply the required documentation.<sup>1</sup>

III.

Return receipts were received in this office signed by Dean R. Johnson (Alpine Ranching Co.), Delma Emery and an illegible signature from a representative of James F. Sloan.<sup>1</sup>

IV.

The proposed place of use of Application 39077 also includes the places of use under claims of vested right 02065 and 02066.<sup>1</sup>

<sup>1</sup> Public record in the office of the State Engineer under application to appropriate 39077.

CONCLUSIONS

I.

The State Engineer has jurisdiction of the parties and subject matter of this action.<sup>2</sup>

II.

Before issuing a permit, the State Engineer may require additional information.<sup>3</sup>

III.

The applicant has not established ownership of Claims of vested right 02065 and 02066.

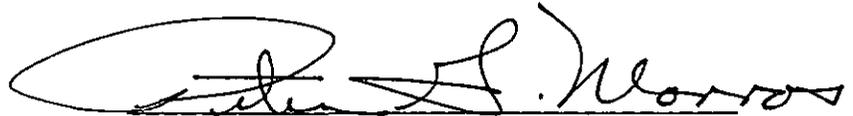
IV.

Portions of the proposed place of use of Application 39077 are subject to rights under Claims 02065 and 02066.

RULING

Application 39077 is hereby denied on the grounds that the applicant failed to submit additional information requested by the State Engineer and has failed to demonstrate a continued interest in the application.

Respectfully submitted,



Peter G. Morros  
State Engineer

PGM/KN/bc

Dated this 28th day of  
FEBRUARY, 1986.

<sup>2</sup> NRS 533.025 and NRS 533.030.

<sup>3</sup> NRS 533.375.