

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

IN THE MATTER OF APPLICATION 55135 FILED)  
TO CHANGE THE POINT OF DIVERSION, PLACE )  
OF USE AND MANNER OF USE OF A PORTION OF)  
THE PUBLIC WATERS OF AN UNNAMED SPRING )  
SOURCE HERETOFORE APPROPRIATED UNDER )  
PERMIT 42471 IN OASIS VALLEY, NYE )  
COUNTY, NEVADA. )

RULING

GENERAL

I.

Application 55135 was filed on August 3, 1990, by G.L. and Pauline Coffey to change the point of diversion, place and manner of use of a portion of water from a spring heretofore appropriated under Permit 42471. The proposed point of diversion and proposed place of use were described as being within the SE1/4 SE1/4 Section 28, T.10S., R.47E., M.D.B.&M. The manner of use was to be changed from irrigation purposes to milling purposes.<sup>1</sup>

FINDINGS OF FACT

I.

Base right Permit 42471 was cancelled on August 21, 1990 for failure to comply with the terms of the permit, specifically for failure to submit the Proof of Completion of Work as set forth under Chapter 533 of the Nevada Revised Statutes.<sup>2</sup>

CONCLUSIONS

I.

The State Engineer has jurisdiction of the parties and the subject matter of this action.<sup>3</sup>

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1 Public record in the office of the State Engineer.

2 See correspondence of August 21, 1990, Certified Mail No. P 448 148 164. Public Record in the office of the State Engineer.

3 NRS Chapter 533.025, NRS 533.030 and NRS 533.370.

II.

The State Engineer is prohibited by law from granting a permit under an application to appropriate the public water where:<sup>4</sup>

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

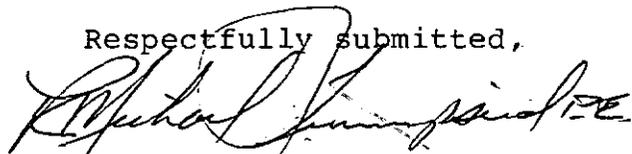
III.

As Permit 42471 was cancelled, no appropriated water remains to be changed by Application 55135.

RULING

Application 55135 is hereby denied on the grounds that there is no appropriated water remaining under cancelled Permit 42471.

Respectfully submitted,



R. MICHAEL TURNIPSEED, P.E.  
State Engineer

RMT/DJL/pm

Dated this 17th day of  
December, 1990

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<sup>4</sup> NRS Chapter 533.370(3).