

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

IN THE MATTER OF APPLICATION)
48003 AND APPLICATION 48339 FILED)
TO APPROPRIATE THE PUBLIC)
WATERS FROM OLINGHOUSE)
CANYON CREEK AND A SPRING IN)
OLINGHOUSE RAVINE WITHIN THE)
DODGE FLAT HYDROGRAPHIC BASIN)
(82), WASHOE COUNTY, NEVADA.)

RULING

5155

GENERAL

I.

Application 48003 was filed on April 24, 1984, by Vincent P. Cipponeri, dba Ridgecrest to appropriate 1/15 cubic feet per second of water from Olinghouse Canyon Creek for mining (surface) placer purposes. The proposed place of use is described as the N $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 33, T.21N., R.23E., M.D.B.&M. The proposed point of diversion is described as being located within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 33, T.21N., R.23E., M.D.B.&M.¹

II.

Application 48339 was filed on August 28, 1984, by Vincent P. Cipponeri to appropriate 1/15 cubic feet per second of water from a spring in Olinghouse Ravine for mining (surface) placer purposes. The proposed place of use is described as the NW $\frac{1}{4}$ NW $\frac{1}{4}$ and the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 33, T.21N., R.23E., M.D.B.&M. The proposed point of diversion is described as being located within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 33, T.21N., R.23E., M.D.B.&M.²

III.

The applications were timely protested by the Depaoli Brothers on the grounds that the granting of the application would impair existing vested rights.

¹ File No. 48003, official records in the Office of the State Engineer.

² File No. 48339, official records in the Office of the State Engineer.

FINDINGS OF FACT

I.

The applicant and his agent were notified by certified mail dated June 13, 2002, to submit additional information to the Office of the State Engineer in support of Applications 48003 and 48339. The applicant and his agent were warned that failure to respond within 60 days could result in denial of the applications. Properly endorsed receipts for the certified mailings are on file for applicant Vincent P. Cipponeri and agent Ralph Henninger.¹

To date, no information on this matter has been submitted to the State Engineer's Office. The State Engineer finds that the applicant and his agent were properly notified of the request for additional information regarding interest in pursuing Applications 48003 and 48339 and failed to respond.

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 a permit under an application to appropriate the public water 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.

³ NRS chapter 533

⁴ NRS § 533.375

⁵ NRS § 533.370(3)

IV.

The applicant and his agent were properly notified of the requirement for additional information concerning these applications and have failed to submit the information to the State Engineer's Office. The State Engineer concludes that the failure to respond affirms the applicant's lack of interest in pursuing Applications 48003 and 48339.

RULING

Applications 48003 and 48339 are hereby denied on the grounds that the applicant or his agent have not submitted the information requested by the State Engineer's Office and that without this information the granting of the application 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/TW/jm

Dated this 25th day of
September, 2002.