

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

IN THE MATTER OF APPLICATION 60997)
FILED TO APPROPRIATE THE PUBLIC WATERS)
OF HILLSIDE SPRING WITHIN THE BUENA)
VISTA VALLEY HYDROGRAPHIC BASIN (129),)
PERSHING COUNTY, NEVADA.)

RULING
#5301

GENERAL

I.

Application 60997 was filed on March 7, 1995, by Jean A. and Wilbur C. Koons to appropriate 0.10 cubic feet per second of water from Hillside Spring for quasi-municipal purposes for single family dwellings within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 27, T.30N., R.34E., M.D.B.&M. The proposed point of diversion is described as being located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 27.¹

FINDINGS OF FACT

I.

On February 12, 2002, a letter was sent by certified mail to the applicants and a copy to their agent by regular mail requesting an indication of the applicants' intention to continue to pursue Application 60997. The applicants were asked to respond in writing, stating their desire to pursue the application, or to withdraw the application if they were no longer interested. A properly endorsed certified mail receipt was timely received in the Office of the State Engineer on February 14, 2002.

To this date, no response to the State Engineer's request for information has been received. The State Engineer finds that the failure of the applicants to submit information allows Application 60997 to be considered for denial.

¹ File no. 60997, official records in the Office of the State Engineer.

CONCLUSIONS

I.

The State Engineer has jurisdiction over the parties and the subject matter of this action and determination.²

II.

The State Engineer is prohibited by law from granting an application to appropriate the public waters where:³

- 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.

III.

The State Engineer concludes that the applicants have failed to provide evidence of a continued interest in Application 60997; therefore, said application can be denied.

IV.

The State Engineer concludes that the approval of an application in which the applicants have no intention of pursuing would threaten to prove detrimental to the public interest.

RULING

Application 60997 is hereby denied on the grounds that the applicants have failed to provide evidence of a continued interest in pursuing said application, and without this information granting the application would threaten to prove detrimental to the public interest.

Respectfully submitted,


HUGH RICCI, P.E.
State Engineer

HR/BM/jm

Dated this 17th day of
October, 2003.

² NRS chapter 533.

³ NRS § 533.370(3).