

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

IN THE MATTER OF APPLICATIONS)
31532, 31533, 31534 AND 31535 FILED)
TO APPROPRIATE THE PUBLIC)
WATERS OF AN UNDERGROUND)
SOURCE WITHIN THE STONE CABIN)
VALLEY HYDROGRAPHIC BASIN)
(149), NYE COUNTY, NEVADA.)

RULING
#5350

GENERAL

I.

Application 31532 was filed on May 9, 1977, by Roger Hockersmith on behalf of the Green Ridge Water Company, to appropriate 5.4 cubic feet per second (cfs) of water from an underground source for irrigation and domestic purposes. Under the remarks section of the application, it is indicated that the application is filed in support of a Carey Act application. The proposed place of use is described as being located within the N½ of Section 21, T.1N., R.46E., M.D.B.&M. The proposed point of diversion is described as being located within the NW¼ NE¼ of said Section 21.¹

II.

Application 31533 was filed on May 9, 1977, by Roger Hockersmith on behalf of the Green Ridge Water Company, to appropriate 5.4 cfs of water from an underground source for irrigation and domestic purposes. Under the remarks section of the application, it is indicated that the application is filed in support of a Carey Act application. The proposed place of use is described as being located within the S½ of Section 21, T.1N., R.46E., M.D.B.&M. The proposed point of diversion is described as being located within the NW¼ SE¼ of said Section 21.²

¹ File No. 31532, official records in the Office of the State Engineer.

² File No. 31533, official records in the Office of the State Engineer

III.

Application 31534 was filed on May 9, 1977, by Roger Hockersmith on behalf of the Green Ridge Water Company, to appropriate 5.4 cfs of water from an underground source for irrigation and domestic purposes. Under the remarks section of the application, it is indicated that the application is filed in support of a Carey Act application. The proposed place of use is described as being located within the N½ of Section 15, T.1N., R.46E., M.D.B.&M. The proposed point of diversion is described as being located within the NW¼ NE¼ of said Section 15.³

IV.

Application 31535 was filed on May 9, 1977, by Roger Hockersmith on behalf of the Green Ridge Water Company, to appropriate 5.4 cfs of water from an underground source for irrigation and domestic purposes. Under the remarks section of the application, it is indicated that the application is filed in support of a Carey Act application. The proposed place of use is described as being located within the S½ of Section 15, T.1N., R.46E., M.D.B.&M. The proposed point of diversion is described as being located within the NW¼ SE¼ of said Section 15.⁴

FINDINGS OF FACT

I.

The applicant and agent were notified by certified mail dated March 3, 2004, to submit additional information regarding interest in pursuing the applications to the State Engineer's office. The applicant was warned that failure to respond within 30 days would result in denial of the applications. The certified letters to the applicant, via both the Greenridge Water Company and Roger Hockersmith, were returned to the Office of the State Engineer, by the U.S. Postal Service, stamped "Attempted Not Known". The certified letter to the applicant's agent was returned to the Office of the State Engineer stamped "Not deliverable as Addressed, Unable to Forward". The applicant and its agent have expressed no interest in pursuing these applications.⁵ The State Engineer finds that the applicant and its agent were properly notified of the request for additional

³ File No. 31534, official records in the Office of the State Engineer.

⁴ File No. 31535, official records in the Office of the State Engineer.

information regarding interest in pursuing Applications 31532, 31533, 31534 and 31535 and have failed to respond.

II.

The State Engineer finds that it is the responsibility of the applicant or its agent to keep this office informed of a current and valid mailing address.

CONCLUSIONS

I.

The State Engineer has jurisdiction over the parties and the subject matter of this action and determination.⁵

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 interest⁶

III.

The State Engineer is prohibited by law from granting a permit under an application to appropriate the public water where:⁷

- 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.

IV.

The applicant and its agent were properly notified of the requirement for additional information regarding interest in pursuing the applications and have failed to submit the information to the State Engineer's office. The State Engineer concludes that the failure to express any interest in these applications demonstrates the applicant's lack of interest in pursuing Applications 31532, 31533, 31534 and 31535. The State Engineer concludes it would threaten to

⁵ NRS chapters 533 and 534

⁶ NRS § 533.375

⁷ NRS § 533.370(4)

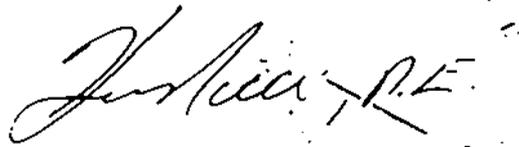
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prove detrimental to the public interest to issue permits under these circumstances.

RULING

Applications 31532, 31533, 31534 and 31535 are hereby denied on the grounds their issuance would threaten to prove detrimental to the public interest.

Respectfully submitted,


HUGH RICCI, P.E.
State Engineer

HR/TW/jm

Dated this 21st day of

April, 2004.