

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

IN THE MATTER OF APPLICATIONS)
63215 AND 63216 FILED TO)
APPROPRIATE THE PUBLIC WATERS)
OF AN UNDERGROUND SOURCE)
WITHIN THE GRANITE SPRINGS)
VALLEY HYDROGRAPHIC BASIN)
(078), PERSHING COUNTY, NEVADA.)

RULING
#5400

GENERAL

I.

Application 63215 was filed on July 1, 1997, by William G. Anderson and later assigned to Linda M. Anderson to appropriate 2.7 cubic feet per second (cfs) of water from an underground source for irrigation purposes in support of a Desert Land Entry. The proposed place of use is described as being 160 acres located within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 34, T.29N., R.27E., M.D.B.&M. The proposed point of diversion is described as being located within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 34.¹

II.

Application 63216 was filed on July 1, 1997, by William G. Anderson and later assigned to Linda M. Anderson to appropriate 2.7 cubic feet per second cfs of water from an underground source for irrigation purposes in support of a Desert Land Entry. The proposed place of use is described as being 160 acres located within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 34 and the NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 35, T.29N., R.27E., M.D.B.&M. The proposed point of diversion is described as being located within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 35.²

FINDINGS OF FACT

I.

The applicant and her agent were notified by certified mail dated October 27, 2003, to submit additional information regarding Applications 63215 and 63216 to the

¹ File No. 63215, official records in the Office of the State Engineer.

² File No. 63216, official records in the Office of the State Engineer.

Office of the State Engineer. The applicant was warned that failure to respond within 30 days would result in denial of the applications. The letter to the applicant was returned to the Office of the State Engineer, by the U.S. Postal Service, with a yellow sticker indicating "Forward Time Exp" and "Rtn To Send". A properly endorsed certified mail receipt was received by the State Engineer from the certified letter to the applicant's agent on October 30, 2003.¹ To date, the applicant and her agent have expressed no interest in pursuing these applications and have not submitted the additional information requested. The State Engineer finds that the applicant and her agent were properly notified of the request for additional information regarding interest in pursuing Applications 63215 and 63216 and have failed to respond.

II.

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

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 chapters 533 and 534.

⁴ NRS § 533.375.

⁵ NRS § 533.370(4).

IV.

The applicant and her agent were properly notified of the requirement for additional information 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 the applications demonstrates the applicant's lack of interest in pursuing Applications 63215 and 63216. The State Engineer concludes it would threaten to prove detrimental to the public interest to issue a permit under these circumstances.

RULING

Applications 63215 and 63216 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 28th day of
June, 2004.