

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATION 51413)  
FILED TO APPROPRIATE THE PUBLIC)  
WATERS OF AN UNDERGROUND SOURCE)  
WITHIN THE SPRING VALLEY)  
GROUNDWATER BASIN, WHITE PINE)  
COUNTY, NEVADA. )

RULING 3563

GENERAL

Application 51413 was filed on October 7, 1987, by Cameron E. and Maxine H. McKay to appropriate 6.69 c.f.s. of water from an underground source for mining, milling and domestic purposes within a portion of Sections 10, 11, 12, 14 and 15, T.14N., R.67E., M.D.B.&M. The point of diversion is described as being within the NE1/4 SE1/4 Section 10, T.14N., R.67E., M.D.B.&M.<sup>1</sup>

FINDINGS OF FACT

I.

The applicant was notified by certified mail on March 7, 1988, to submit additional information to the State Engineer's office regarding consumptive use, specifically, requesting data concerning water conservation measures and amount of water to be recycled. The return receipt was received from the addressee on March 10, 1988. To date, the information requested has not been received from the applicant.<sup>1</sup>

II.

The applicant was again notified by certified mail on April 13, 1988, to submit the additional information requested by the State Engineer's office. The return receipt was received from the addressee on April 18, 1988. The letter assigned a 30 day time limit to file the required information or request a postponement of further action as provided by NRS 533.370, subsection 2. To date the information requested has not been received from the applicant.<sup>1</sup>

-----  
<sup>1</sup> Public record in the office of the State Engineer.

CONCLUSIONS

I.

The State Engineer has jurisdiction of the parties and the subject matter of this action and determination.<sup>2</sup>

II.

Before either approving or rejecting an application, the State Engineer may require such additional information as will enable him to guard the public interest properly.<sup>3</sup>

III.

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

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

IV.

The applicant has failed, to date, to submit the information requested by the State Engineer's office. Therefore, sufficient information is not available to the State Engineer to guard the public interest properly.

---

<sup>2</sup> NRS Chapters 533 and 534.

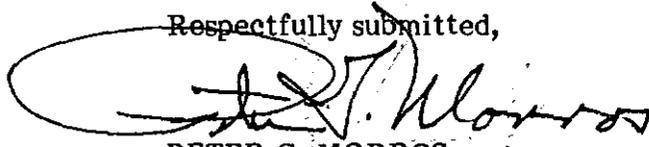
<sup>3</sup> NRS 533.375.

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

RULING

Application 51413 is herewith denied on the grounds that the applicant has not submitted the information requested by the State Engineer's office and therefore the granting of said application without the additional information requested would not be in the public interest.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Peter G. Morros", is written over a large, faint oval stamp.

PETER G. MORROS  
State Engineer

PGM/bk

Dated this 25th day of  
October, 1988.