

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

IN THE MATTER OF APPLICATION 48185)
FILED TO APPROPRIATE THE PUBLIC)
WATERS OF AN UNDERGROUND SOURCE)
WITHIN THE GABBS VALLEY GROUND)
WATER BASIN, NYE COUNTY, NEVADA.)

RULING
3887

GENERAL

I.

Application 48185 was filed on July 12, 1984, by Paul E. Lindahl to appropriate 3.5 c.f.s. of water from an underground source for mining and milling purposes within the SE1/4 NE1/4 Section 30, T.14N., R.36E., M.D.B.&M. The point of diversion is described as being within the SE1/4 NE1/4 Section 30, T.14N., R.36E., M.D.B.&M.¹

FINDINGS OF FACT

I.

The applicant was notified by certified mail dated September 3, 1991, 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. Both notices to Paul Lindahl were returned by the U.S. Postal Service as unclaimed mail.² The return receipt was received from agent, George M. Thiel, on September 5, 1991.³ To date the information requested has not been received from the applicant.⁴

1 Public record in the office of the State Engineer.

2 See Certified Mail, return Receipt Nos. P 668 481 291 and P 668 481 292.

3 See Certified Mail, return Receipt No. P 668 481 293.

4 A check of the record of the State Engineer indicates that no information has been received.

II.

The applicant and agent were again notified by certified mail on November 14, 1991, to submit the additional information requested by the State Engineer's office. Both notices to Paul Lindahl were returned by the U.S. Postal Service as unclaimed mail.⁵ The return receipt was received from agent, George M. Thiel, on November 19, 1991.⁶ The notice was resent regular mail to Paul Lindahl on January 2, 1992.¹ 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 or agent.⁴

CONCLUSIONS

I.

The State Engineer has jurisdiction of the parties and the subject matter of this action and determination.⁷

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.⁸

⁵ See Certified Mail, return Receipt No. P P 680 456 525 and P 680 456 526.

⁶ See Certified Mail, return Receipt No. P 680 456 527.

⁷ NRS Chapters 533 and 534.

⁸ NRS 533.375.

III.

The State Engineer is prohibited by law from granting a permit under an application to appropriate the public waters where:⁹

- 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.

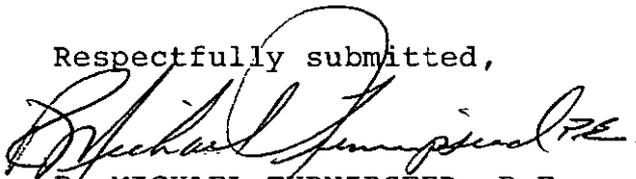
IV.

The applicant has failed to 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.

RULING

Application 48185 is hereby 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,



R. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/DJL/pm

Dated this 5th day of
May, 1992

⁹ NRS 533.370(3).