

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

IN THE MATTER OF APPLICATION 25141 FILED)
TO APPROPRIATE THE PUBLIC WATERS OF UNNAMED)
SPRINGS WITHIN THE PLEASANT VALLEY BASIN)
(88), PERSHING COUNTY, NEVADA.)

RULING

4205

GENERAL

I.

Application 25141 was filed on July 2, 1969, by J.V. Reynolds to appropriate 1.0 cfs of water from unnamed springs for mining, milling and domestic purposes within the SW $\frac{1}{4}$ Section 36, T.29N., R.39E., M.D.B.&M. The point of diversion is described as being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 36, T.29N., R.39E., M.D.B.&M.¹

II.

Application 25141 was timely protested by Chet Meyer on December 8, 1969, on the following grounds:

These springs are the headwaters of Bushee Creek of which I have a vested right to. I am a successor in interest to (illegible) Vested rights.

Wherefore protestant prays that the application be denied and that the use of water herein claimed by protestant be confirmed and that an order be entered establishing said right and for such other relief as the State Engineer deems just and proper.¹

FINDINGS OF FACT

I.

The applicant J.V. Reynolds and agent Charles C. Armuth, Jr. were notified by certified mail on January 23, 1995, 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

¹ Public record in the office of the State Engineer.

return receipt was received from the agent on January 30, 1995.² The letter sent to the applicant was returned by the United States Postal Service labelled "Unclaimed return to sender". It is the responsibility of the applicant or his successor in interest to keep this office informed of their current mailing address. The State Engineer finds that to date the information requested has not been received from the applicant or agent.³

CONCLUSIONS

I.

The State Engineer has jurisdiction of the parties and the subject matter of this action and determination.⁴

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.⁵

III.

The State Engineer is prohibited by law from granting a permit under an application to appropriate the public waters where:⁶

- 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.

² See Certified Mail, return Receipt No. P 187 502 661.

³ A check of the records of the State Engineer indicates that no information has been received.

⁴ NRS Chapters 533 and 534.

⁵ NRS 533.375.

⁶ NRS Chapter 533.370(3).

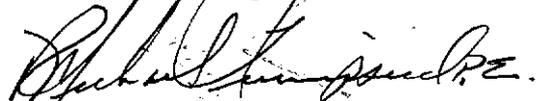
IV.

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

RULING

Application 25141 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. No finding is made on the protest.

Respectfully submitted,


R. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/DJL/pm

Dated this 5th day of
July, 1995.