

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

IN THE MATTER OF APPLICATION 55857)
FILED TO APPROPRIATE THE PUBLIC)
WATERS FROM AND UNDERGROUND SOURCE)
WITHIN THE QUEEN VALLEY (116),)
GROUNDWATER BASIN IN MINERAL COUNTY,)
NEVADA.)

RULING

4217

GENERAL

I.

Application 55857 was filed on February 21, 1991, by Silver Bear Development, Inc. to appropriate 0.5 cfs of water from an underground source for quasi municipal purposes within Lot 2, Lot 3 and NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 32, and the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 29, T.1N., R.32E., M.D.B.&M. The point of diversion is described as being within Lot 2, Section 32, T.1N., R.32E., M.D.B.&M.¹

FINDINGS OF FACT

I.

The applicant and agent were notified by certified mail on December 6, 1993, to submit additional information to the State Engineer's Office regarding a more definitive description of the anticipated single family units, and also, the size and water requirement of the casino and restaurant. The return receipts were received from both addressees.¹ The letter assigned a sixty (60) day time limit to file the requested information. To date the information requested has not been received from the applicant or agent.²

The information requested by the State Engineer is necessary to determine the quantity of water required to serve the proposed development, whether there is sufficient unappropriated water

¹ Public record in the Office of the State Engineer, under Application 55857.

² A check of the records of the State Engineer indicates that no information has been received.

available, and whether the proposed use conflicts with existing water rights. Lacking this information, the State Engineer is unable to guard the public interest properly. The State Engineer finds that the approval of Application 55857 threatens to prove detrimental to the public interest.

CONCLUSIONS

I.

The State Engineer has jurisdiction of 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 guard the public interest properly.⁴

III.

The State Engineer is prohibited by law from granting a permit under an application to appropriate the public waters where:⁵

- 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. The State Engineer concludes that the approval of Application 55857 threatens to prove detrimental to the public interest.

³ NRS 533 and 534.

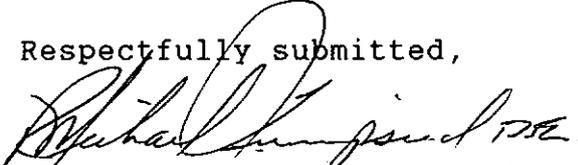
⁴ NRS 533.375.

⁵ NRS 533.370(3).

RULING

Application 55857 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/MJR/pm

Dated this 5th day of
October, 1995.