

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

IN THE MATTER OF APPLICATION 56458)
FILED TO APPROPRIATE THE PUBLIC)
WATERS OF AN UNDERGROUND SOURCE,)
WITHIN THE NEWARK VALLEY BASIN)
(154), WHITE PINE COUNTY, NEVADA.)

RULING

4242

GENERAL

I.

Application 56458 was filed on June 17, 1991, by David B. Gibson and Charlie N. Mosier to appropriate 0.25 cfs of water from an underground source for stockwatering and domestic purposes for use within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 9, T.19N., R.55E., M.D.B.&M. The proposed point of diversion is described as being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 9, T.19N., R.55E., M.D.B.&M.¹

II.

Due to the fact that the status of land frequently changes, whenever an application to appropriate water for stockwatering purposes is filed with the Division of Water Resources, the State Engineer sends a letter to the Bureau of Land Management, U.S. Dept. of Interior, inquiring as to the right to graze stock on the land identified under the application.

FINDINGS OF FACT

I.

The State Engineer finds that on June 27, 1991, a letter was sent from the Division of Water Resources to the Bureau of Land Management requesting information with regard to the current range permittee, users if different than the permittee, kind and number of animals and period of use, under the range allotment, for each place of use described on the application. On August 13, 1991, the Bureau of Land Management responded stating that neither of the applicants were permittees nor did either have a grazing preference on the land specified in the application.¹

¹ File No. 56458, official records in the Office of the State Engineer.

II.

The State Engineer finds that on June 8, 1993, the applicants' agent was notified by mail that before any further action could be taken on Application 56458 the information was needed by the State Engineer as to the exact number of cows and sheep to be watered out of the subject well, and if the place of use was public or private land.¹

III.

The State Engineer finds the applicants and their agent were notified by certified mail on September 8, 1994, to submit the required information, and that failure to respond with the requested information within 60 days would result in the denial of the application. The return receipt was received from the applicant on September 16, 1994.¹ To date the information requested has not been received.¹

CONCLUSIONS

I.

The State Engineer has jurisdiction over the parties and the subject matter of this action and determination.²

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.³

III.

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

- A. There is no unappropriated water at the proposed source, or
- B. The proposed use conflicts with existing rights, or

² NRS Chapters 533 and 534.

³ NRS 533.375.

⁴ NRS 533.370(3).

- C. The proposed use threatens to prove detrimental to the public interest.

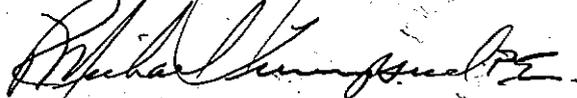
IV.

The applicants have failed to submit the information requested by the State Engineer's Office. Therefore, the State Engineer concludes sufficient information is not available to the State Engineer to properly guard the public interest.

RULING

Application 56458 is hereby denied on the grounds that the applicants have not submitted the information requested by the State Engineer's Office, and that without this information granting of the application would be detrimental to the public interest.

Respectfully submitted,



R. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/SR/ab

Dated this 24th day of
October, 1995.