

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

IN THE MATTER OF APPLICATION 52863 )  
FILED TO APPROPRIATE THE PUBLIC )  
WATERS OF AN UNDERGROUND SOURCE )  
WITHIN THE CARSON DESERT GROUND )  
WATER BASIN (101), CHURCHILL )  
COUNTY, NEVADA. )

RULING

**#4254**

GENERAL

I.

Application 52863 was filed on January 13, 1989, by DeMar Thurman to appropriate 1.0 cubic feet per second (cfs) of water from an underground source for quasi-municipal and domestic purposes for use within the NE $\frac{1}{4}$  NW $\frac{1}{4}$ ; SE $\frac{1}{4}$  NW $\frac{1}{4}$ ; NE $\frac{1}{4}$  SW $\frac{1}{4}$ ; NW $\frac{1}{4}$  SW $\frac{1}{4}$  all within Section 26, T.19N., R.28E., M.D.B.&M and within SE $\frac{1}{4}$  SW $\frac{1}{4}$ ; SW $\frac{1}{4}$  SE $\frac{1}{4}$  both within Section 23, T.19N., R.28E., M.D.B.&M. The point of diversion is described as being within the NE $\frac{1}{4}$  NW $\frac{1}{4}$  Section 26, T.19N., R.28E., M.D.B.&M.<sup>1</sup>

FINDINGS OF FACT

I.

The State Engineer finds that on September 26, 1991, the applicant was notified by mail to submit additional information to the State Engineer's Office concerning the plans for use of the water, the time schedule for construction of the project and the quantity of water which would be needed each year after the project was completed. No response was received by the State Engineer to the letter requesting additional information.

II.

The State Engineer finds that on September 21, 1995, the applicant was again notified by certified mail to submit the additional information requested by the State Engineer's Office, and that the notice was returned by the United States Postal Service labelled "Undeliverable as addressed forwarding order

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<sup>1</sup> File No. 52863, official records in the Office of the State Engineer.

expired."<sup>1</sup> The State Engineer finds that no information was received in response the request for information.<sup>1</sup>

III.

The State Engineer finds it is the responsibility of the applicant or his successor in interest to keep this office informed of his current mailing address.

CONCLUSIONS

I.

The State Engineer has jurisdiction over 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 from the current owner of record as will enable him to properly guard the public interest.<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 submit the information requested by the State Engineer's Office. The State Engineer concludes that without the additional data sufficient information is not available to properly guard the public interest.

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

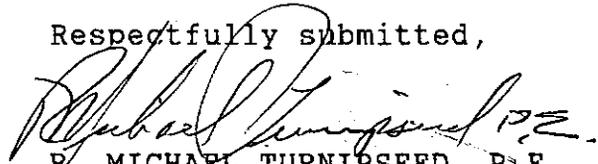
<sup>3</sup> NRS 533.375.

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

RULING

Application 52863 is hereby denied on the grounds that the applicant has not submitted the data and 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/SJT/ab

Dated this 7th day of  
December, 1995.