

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

IN THE MATTER OF APPLICATION 50332 FILED)
TO APPROPRIATE THE PUBLIC WATERS OF AN)
UNDERGROUND SOURCE WITHIN THE DIXIE)
VALLEY GROUNDWATER BASIN (128), CHURCHILL)
COUNTY, NEVADA)

RULING

4290

GENERAL

I.

Application 50332 was filed on November 6, 1986, by Edwin H. and Ruth L. Robbins to appropriate 6.0 cubic feet per second (cfs) of water from an underground source for aquaculture purposes within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ and the W $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 5, T.21N., R.35E., M.D.B.&M.¹ The point of diversion is described as being located within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 5. Application 50332 became ready for action by the State Engineer on February 9, 1987.¹

FINDINGS OF FACT

I.

On December 21, 1995, a letter was sent to the applicants requesting, "If you are still interested in pursuing this application please notify this office in writing within 30 days."¹ The letter to the applicants was returned to the State Engineer's Office by the United States Postal Service marked "Return to Sender - No Such Address."¹ The State Engineer's Office then attempted to contact the applicants by telephone using the telephone number of record found in Application No. 50332. The number was found to be incorrect. Further attempts were made by the State Engineer's Office to locate the applicants through the Nevada telephone directory and Nevada Directory Assistance. Both attempts were unsuccessful. The State Engineer finds that all attempts to reach the applicants have been unsuccessful and to date no information has been received in response to the request for information.

¹ File No. 50332, official records of the Office of the State Engineer.

II.

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

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 where:

1. There is no unappropriated water at the proposed source, or
2. The proposed use conflicts with existing rights, or
3. The proposed use threatens to prove detrimental to the public interest.⁴

IV.

The State Engineer concludes the applicants have failed to keep the Office of the State Engineer informed as to their current mailing address.

V.

The applicants were properly notified, based on the records of the State Engineer, of the requirement of additional information concerning this application and have failed to submit the requested information. The State Engineer concludes that without the

² NRS Chapters 533 and 534.

³ NRS 533.375.

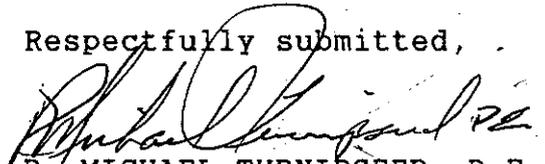
⁴ NRS 533.370(3).

additional information requested sufficient information is not available for the State Engineer to properly guard the public interest.

RULING

Application 50332 is hereby denied on the grounds that the applicants have not kept the State Engineer properly informed of their current mailing address and due to this failure the State Engineer has been unable to determine if the applicants are even interested in pursuing this application, 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/BEM/ab

Dated this 29th day of
January, 1996.