

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

IN THE MATTER OF APPLICATION 45467)
FILED TO APPROPRIATE THE PUBLIC WATERS)
OF AN UNDERGROUND SOURCE WITHIN THE)
RAILROAD VALLEY (SOUTHERN PART))
GROUNDWATER BASIN (173-A), NYE COUNTY,)
NEVADA.)

RULING

4360

GENERAL

I.

Application 45467 was filed on March 24, 1982, by the United States Air Force to appropriate 0.223 cubic feet per second (38.3 acre feet annually) of water from an underground source for commercial and domestic purposes within T.2S., R.51E., T.3S., R.51E., T.4S., R.51E., T.2S., R.51½E., T.3S., R.51½E., T.4S., R.51½E., T.2S., R.52E., T.3S., R.52E., T.4S., R.52E., M.D.B.&M.¹ The point of diversion is described as being located within the SE¼NW¼ of Section 25, T.2S., R.51E., M.D.B.&M. Application 45467 became ready for the State Engineer's action on August 29, 1982.

FINDINGS OF FACT

I.

The applicant and its agent were notified by certified mail dated April 16, 1996, that the State Engineer was purging the files of older applications and were asked to advise the State Engineer within thirty (30) days if the applicant wished to pursue Application 45467.¹ The endorsed return receipts for the certified mailings to the applicant and its agent were received in the Office of the State Engineer on April 22, 1996.¹ The State Engineer finds that to date there has been no response from the applicant or its agent to the request for information.

II.

The State Engineer finds that the applicant was properly notified of the request for additional information and failed to respond.¹

¹File No. 45467, official records of the Office of the State Engineer.

CONCLUSIONS

I.

The State Engineer has jurisdiction over 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
- c. The proposed use threatens to prove detrimental to the public interest.

IV.

The applicant was properly notified of the requirement for additional information concerning this application and has failed to submit the information to the State Engineer's Office. The State Engineer concludes that without the information requested, sufficient information is not available for the State Engineer to properly guard the public interest.

²NRS Chapters 533 and 534.

³NRS Chapter 533.375.

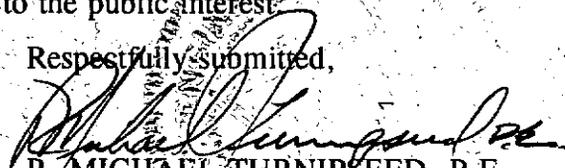
⁴NRS Chapter 533.370(3).

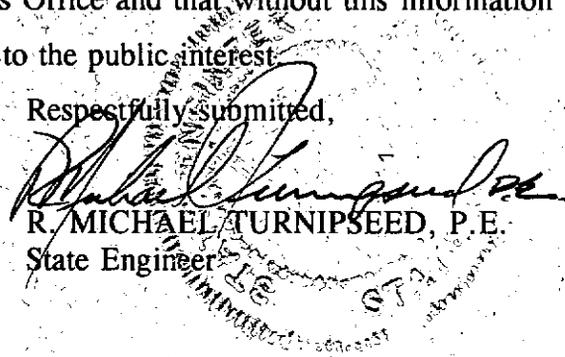
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RULING

Application 45467 is hereby denied on the grounds that the applicant has not submitted the information requested by the State Engineer's Office and that without this information the granting of the application would be detrimental to the public interest.

Respectfully submitted,


R. MICHAEL TURNIPSEED, P.E.
State Engineer



RMT/RAD/sc

Dated this 11th day

of June, 1996.