

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

IN THE MATTER OF APPLICATIONS 41031 AND)
41033 FILED TO APPROPRIATE THE PUBLIC)
WATERS OF AN UNDERGROUND SOURCE WITHIN)
CHURCHILL VALLEY GROUNDWATER BASIN)
(102), LYON COUNTY, NEVADA.)

RULING

4441

GENERAL

I.

Application 41031 was filed on April 8, 1980, by Mr. Thomas C. Wilson to appropriate 2.0 cubic feet per second (cfs) of water from an underground source for industrial purposes within portions of Sections 26, 27 and 35, T.16N., R.24E., M.D.B.&M. The point of diversion is described as being located within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 27, T.16N., R.24E., M.D.B.&M. Application 41031 became ready for the State Engineer's action on December 14, 1980.¹

II.

Application 41033 was filed on April 8, 1980, by Mr. Thomas C. Wilson to appropriate 2.0 cfs of water from an underground source for industrial purposes within portions of Sections 26, 27 and 35, T.16N., R.24E., M.D.B.&M. The point of diversion is described as being located within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 12, T.15N., R.24E., M.D.B.&M. Application 41033 became ready for the State Engineer's action on December 14, 1980.²

FINDINGS OF FACT

I.

By certified letter dated December 22, 1985, the applicant and his agent were asked to advise the State Engineer within thirty (30) days if the applicant wished to pursue Applications 41031 and 41033. The endorsed return receipts for the certified mailings were received in the Office of the State Engineer on December 27

¹File No. 41031, official records in the Office of the State Engineer.

²File No. 41033, official records in the Office of the State Engineer.

and 29, 1995.¹ The State Engineer finds that to date there has been no response from the applicant or the agent to the request for information.

II.

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

CONCLUSIONS

I.

The State Engineer has jurisdiction over 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 properly guard the public interest.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 was properly notified of the requirement for additional information concerning these applications and has failed to submit the required information to the State Engineer's Office. The State Engineer concludes that without the information requested

³NRS Chapters 533 and 534.

⁴NRS 533.375.

⁵NRS 533.370(3).

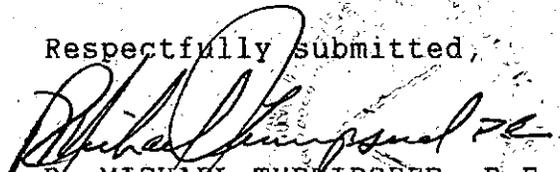
Ruling
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sufficient information is not available for the State Engineer to properly guard the public interest.

RULING

Applications 41031 and 41033 are 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 applications would be detrimental to the public interest.

Respectfully submitted,



R. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/TW/ab

Dated this 27th day of
September, 1996.