

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

IN THE MATTER OF APPLICATION 49922 )  
FILED TO APPROPRIATE THE PUBLIC )  
WATERS OF AN UNDERGROUND SOURCE )  
WITHIN THE STARR VALLEY GROUNDWATER )  
BASIN (043), ELKO COUNTY, NEVADA. )

RULING

# 4842

GENERAL

I.

Application 49922 was filed on June 13, 1986, by Pioneer Village, Inc., to appropriate 4.75 cubic feet per second of water from an underground source for quasi-municipal purposes within the W $\frac{1}{2}$  SW $\frac{1}{4}$  of Section 14, all of Section 15, the NE $\frac{1}{4}$  of Section 22, and all of Section 23, all within T.36N., R.60E., M.D.B.&M. The proposed point of diversion is described as being located within the NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 23, T.36N., R.60E., M.D.B.&M. The remarks section of the application states that the water will be utilized to provide service to 3,000 living units with an estimated use of 1,000 gallons per unit per day.<sup>1</sup>

FINDINGS OF FACT

I.

Application 49922 was filed under the name of Pioneer Village, Inc., whose address is stated on the application filing receipt as 431 Spokane Street, Reno, Nevada, 89512. No transfers of ownership or request for changes of address have been submitted to the office of the State Engineer in regard to Application 49922, therefore, the State Engineer finds that the owner and address of record remain unchanged from the information contained within the original application.

<sup>1</sup> File No. 49922, official records in the office of the State Engineer.

**II.**

Application 49922 describes a place of use which is identical to the place of use described under Application 28634 which is currently held by McCulloch Properties.<sup>2</sup> By letter dated July 15, 1987, the applicant was requested by the office of the State Engineer to provide information regarding any business association that Pioneer Village, Inc. may have with McCulloch Properties, Inc. To this date, no response to this request for additional information has been received in the office of the State Engineer. By certified letter dated September 10, 1999, the applicant and its agent were requested to provide evidence of a continued interest in pursuing Application 49922 to the office of the State Engineer. Both parties were also cautioned that a failure to submit this information within 30 days from the date of the notice would result in the denial of Application 49922. The certified notice to the applicant was returned to the office of the State Engineer stamped, "Unclaimed, Return to Sender", by the United States Postal Service. A properly endorsed receipt for the certified mailing to the applicant's agent was returned to the State Engineer's office in a timely manner. No response to this second request for information has ever been received from either party. The State Engineer finds that the applicant has failed to provide evidence of a continued interest in completing Application 49922, therefore, said application can be considered for denial.

**CONCLUSIONS**

**I.**

The State Engineer has jurisdiction over the parties and the subject matter of this action and determination.<sup>3</sup>

**II.**

The State Engineer is prohibited by law from granting an application to appropriate the public waters where:<sup>4</sup>

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<sup>2</sup> File No. 28634, official records in the office of the State Engineer.

<sup>3</sup> NRS Chapters 533 and 534.

- A. there is no unappropriated water at the proposed source;
- B. the proposed use conflicts with existing rights; or
- C. the proposed use threatens to prove detrimental to the public interest.

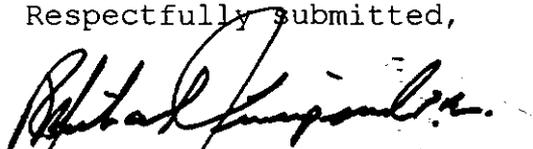
**III.**

The applicant has been requested on two separate occasions to provide additional information regarding Application 49922 to the office of the State Engineer. The most recent request was sent to the applicant with the caution that a failure to respond in a timely manner would result in the denial of Application 49922. To date, the applicant has failed to submit any information or any evidence of a continued interest in pursuing the subject application. The State Engineer concludes that the approval of an application in which the applicant has no further interest would threaten to prove detrimental to the public interest.

**RULING**

Application 49922 is hereby denied on the grounds that it would threaten to prove detrimental to the public interest to approve an application which the applicant no longer intends to pursue.

Respectfully submitted,

  
E. MICHAEL TURNIPSEED, P.E.  
State Engineer

RMT/MDB/cl

Dated this 24th day of  
January, 2000.