

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

IN THE MATTER OF APPLICATION 65317)
FILED TO APROPRIATE THE PUBLIC)
WATERS OF AN UNDERGROUND SOURCE)
WITHIN THE PANACA VALLEY HYDROGRAPHIC)
BASIN (203), LINCOLN COUNTY, NEVADA.)

RULING

4920

GENERAL

I.

Application 65317 was filed on July 19, 1999, by Kenneth D. Lee to appropriate 0.022 cubic feet per second of water from an underground source for stockwater and domestic purposes for use within the NE $\frac{1}{4}$ of Section 32, T.1S., R.68E., M.D.B.&M. The proposed point of diversion is described as being located within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 32.¹

FINDINGS OF FACT

I.

The applicant and his agent were notified by first class mail dated January 7, 2000, of the need for additional information regarding Application 65317.¹ The applicant and his agent were again notified by certified mail dated March 7, 2000, of the need for additional information.¹ The return receipts for the above certified letters were received in the office of the State Engineer on March 13, 2000.¹ The certified letter dated March 7, 2000, established a 30-day time frame in which to submit the additional information and the applicant was cautioned that failure to respond may result in the denial of Application 65317. The State Engineer finds that to date the information requested has not been received.¹

II.

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

¹ File No. 65317, official records in the office of the State Engineer.

CONCLUSIONS

I.

The State Engineer has jurisdiction over the parties and of 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 an application to appropriate the public waters where:⁴

- 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.

IV.

The applicant and his agent were properly notified of the need for additional information concerning this application and have 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.

² NRS chapters 533 and 534.

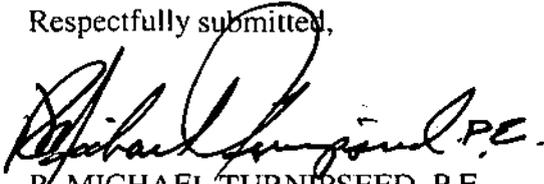
³ NRS § 533.375.

⁴ NRS § 533.370(3).

RULING

Application 65317 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 threaten to prove detrimental to the public interest.

Respectfully submitted,


R. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/RAD/cl

Dated this 5th day of
May, 2000.