

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

IN THE MATTER OF APPLICATION 32099 FILED)
TO APPROPRIATE THE PUBLIC WATERS OF AN)
UNDERGROUND SOURCE FROM WITHIN THE EAST)
WALKER AREA HYDROGRAPHIC BASIN (109),)
MINERAL COUNTY, NEVADA, AND APPLICATION)
36250 FILED TO CHANGE THE PLACE OF USE OF A)
PORTION OF THE WATERS APPLIED FOR UNDER)
APPLICATION 32099.)

RULING
4983

GENERAL

I.

Application 32099 was filed on June 16, 1977, by James B. and Alice M. Tuttle for permission to appropriate 5.4 cubic feet per second (cfs) of water from an underground source within the East Walker Area Hydrographic Basin, Mineral County, Nevada. The proposed manner of use is for irrigation and domestic purposes within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, and S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 24, T. 6 N., R. 27 E., M.D.B.&M.; and the SW $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 19, and NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 30, T.6N., R.28E., M.D.B.&M. The proposed point of diversion is described as being located within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 30, T.6N., R.28E., M.D.B.&M.¹

II.

Application 36250 was filed on December 7, 1978, by James B. and Alice M. Tuttle for permission to change the place of use of 1.35 cfs, a portion of the underground water previously applied for under Application 32099. The proposed manner of use is for irrigation and domestic purposes within the S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, of Section 24, T.6N., R.27E., M.D.B.&M., S $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 19, NW $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 19, SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 19, NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 30, T.6N., R.28E., M.D.B.&M. The proposed point of diversion is described as being located within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 30, T.6N., R.28E., M.D.B.&M.²

¹ File No. 32099, official records in the office of the State Engineer.

² File No. 36250, official records in the office of the State Engineer.

FINDINGS OF FACT

I.

On February 23, 2000, the applicants were notified by certified letter to inform the State Engineer's office within thirty (30) days whether they were still interested in pursuing Applications 32099 and 36250. An endorsed certified mail receipt was received by the Division of Water Resources on February 25, 2000.^{1,2} The State Engineer finds that to date the applicants have not responded by letter and that no information has been received in response to the request for information.^{1,2}

CONCLUSIONS

I.

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

II.

Before either approving or rejecting an application, the State Engineer may require such information from the current owner of record as will enable him to properly guard the public interest.⁴

III.

The State Engineer is prohibited by law from granting an application to appropriate the public waters where:⁵

- 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.

³ NRS chapters 533 and 534.

⁴ NRS § 533.375.

⁵ NRS § 533.370(3).

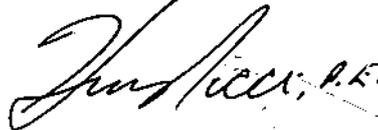
IV.

The applicants have failed to submit the information requested by the State Engineer's office. The State Engineer concludes that without the additional data sufficient information is not available to properly guard the public interest.

RULING

Applications 32099 and 36250 are hereby denied on the grounds that the applicants have not submitted the data and information requested by the State Engineer's office, and that without this information granting of these applications would threaten to prove detrimental to the public interest.

Respectfully submitted,



HUGH RICCI, P. E.

State Engineer

HR/KES/cl

Dated this 7th day of
November, 2000.