

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

IN THE MATTER OF APPLICATION 55468)
FILED TO APPROPRIATE THE PUBLIC)
WATERS OF SILVER PARK SPRING WITHIN)
THE SPRING VALLEY HYDROGRAPHIC)
BASIN (184), LINCOLN COUNTY,)
NEVADA.)

RULING

5095

GENERAL

I.

Application 55468 was filed on November 19, 1990, by Connie Simkins to appropriate 1.0 cfs of water, from Silver Park Spring. The proposed manner of use is for maintaining the natural beauty and habitat of Silver Park. The proposed place of use and point of diversion are both described as being within the SE¼ SE¼ of Section 20, T.7N., R.68E., M.D.B.&M.¹

II.

Application 55468 was timely protested by Ken Lytle, Frank Delmue, Gordon Lytle, and Kerry Holt on various grounds. All of these individuals requested the State Engineer to deny Application 55468.

FINDINGS OF FACT

I.

By certified letter dated May 22, 2001, the applicant was requested by the office of the State Engineer to submit written evidence of a continued interest in Application 55468. The applicant was advised that a response to this request must be received in the office of the State Engineer on or before June 18, 2001. The applicant was also advised that her failure to timely respond would result in the denial of Application 55468. A receipt for the State Engineer's certified mailing was received in the Office of the State Engineer, endorsed with the applicant's

¹ File No. 55468, official records in the Office of the State Engineer.

signature. To this date, no response to the May 22, 2001, letter has been received from Connie Simkins.¹ The State Engineer finds that the applicant has been properly noticed at her correct address of record of the need to provide written evidence of a continued interest in the subject application but has failed to do so; therefore, Application 55468 can be considered for denial.

CONCLUSIONS

I.

The State Engineer has jurisdiction over the parties and the subject matter of this action and determination.²

II.

The State Engineer is prohibited by law from granting an application to appropriate the public waters where:³

- A. there is no unappropriated water at the proposed source;
- B. the proposed use conflicts with existing rights;
- C. the proposed use conflicts with protectible interests in existing domestic wells as set forth in NRS § 533.024; or
- D. the proposed use threatens to prove detrimental to the public interest.

III.

The applicant has been requested to provide the State Engineer with additional information relating to Application 55468. This request was made with the understanding that a failure to respond in a timely manner would represent a lack of interest on the applicant's part in pursuing the subject application. To this date, no response regarding this matter has been received in the Office of the State Engineer. The State Engineer concludes that the approval of an application that the applicant has no interest in pursuing would threaten to prove detrimental to the public interest.

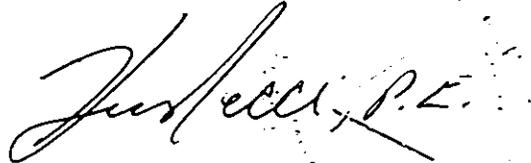
² NRS chapter 533.

³ NRS § 533.370(3).

RULING

Application 55468 is hereby denied on the grounds that its approval would threaten to prove detrimental to the public interest. No ruling is made on the merits of the protests.

Respectfully submitted,



HUGH RICCI, P.E.
State Engineer

HR/MB/jm

Dated this 10th day of
January, 2002.