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THE OFFICE OF STATE ENGINEER
OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION 46659)
FILED TO APPROPRIATE THE PUBLIC)
WATERS OF A SURFACE WATER SOURCE)
WITHIN THE STEPTOE VALLEY)
HYDROGRAHPIC BASIN (179), WHITE)
PINE COUNTY, NEVADA)

RULING

5291

GENERAL

I.

Application 46659 was filed on February 18, 1983, by Marion E. Johnson to appropriate 0.20 cubic feet per second of water from Duck Creek for stockwatering purposes within the NW¼ SW¼ of Section 25, T.20N., R.63E., M.D.B.&M. The proposed point of diversion is described as being located within the NW¼ SW¼ of said Section 25.¹

FINDINGS OF FACT

I.

Ownership of Application 46659 was assigned to Moriah Ranches, Inc., on June 7, 1993.¹ No additional transfer has occurred since that time, therefore the State Engineer finds that Moriah Ranches, Inc., remains the current owner of record in the office of the State Engineer.

II.

The applicant and its agent were notified by certified mail dated June 11, 2002, that additional information was needed regarding Application 46659. The return receipt from this certified letter to the applicant was received in the Office of the State Engineer on June 20, 2002. The certified letter to the agent was returned to the Office of the State Engineer by the U. S. Postal Service stamped "Attempted-Not Known". The State Engineer finds that to date the information requested has not been received.¹

¹ File No. 46659, official records in the Office of the State Engineer.

III.

The State Engineer finds that it is the responsibility of the applicant and its agent, or their successors-in-interest, to keep this office informed of a current mailing address.

IV.

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

CONCLUSIONS

I.

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

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

IV.

The applicant and its agent were properly notified of the requirement 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 46659 is hereby denied on the grounds that the applicant and its agent have 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,



HUGH RICCI, P.E.
State Engineer

HR/RAD/dl

Dated this 7th day of
October, 2003.