

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

IN THE MATTER OF APPLICATION )  
62547 FILED TO CHANGE THE PLACE )  
OF USE OF WATER PERVIOUSLY )  
APPROPRIATED UNDER PERMIT 3853, )  
CERTIFICATE 2331 WITHIN THE )  
PARANAGAT VALLEY HYDROGRAPHIC )  
BASIN (209), LINCOLN COUNTY, )  
NEVADA. )

**RULING**

**#5448**

**GENERAL**

**I.**

Application 62547 was filed on October 30, 1996 by Ed and Joe Sharp to change the place of use of 0.001 cubic feet per second of spring water previously appropriated under Permit 3853, Certificate 2331 for stock water purposes within the NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 5, T.5S., R.59E., M.D.B.&M. The proposed point of diversion is described as being located within the NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 36, T.4S., R.58E., M.D.B.&M.<sup>1</sup>

**FINDINGS OF FACT**

**I.**

The applicants were requested by certified mail dated June 12, 2003, to provide additional information regarding Application 62547. The applicants were further warned that failure to respond within 30 days might result in denial of Application 62547. The return receipt from this certified letter to the applicants was received in the Office of the State Engineer on June 19, 2003.<sup>1</sup>

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<sup>1</sup> File No. 62547, official records in the Office of the State Engineer.

**II.**

The State Engineer finds that the applicants were properly notified of the request for additional information and have failed to respond.<sup>1</sup>

**CONCLUSIONS**

**I.**

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

**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.<sup>3</sup>

**III.**

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

- 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.

**IV.**

The applicants were properly notified by certified mail 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

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<sup>2</sup> NRS chapter 533.

<sup>3</sup> NRS § 533.375.

<sup>4</sup> NRS § 533.370(4).

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sufficient information is not available for the State Engineer to properly guard the public interest.

**RULING**

Application 62547 is hereby denied on the grounds that the applicants 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/RD/jm

Dated this 5th day of

November, 2004.