

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

IN THE MATTER OF APPLICATION 54910)  
FILED- TO APPROPRIATE THE PUBLIC )  
WATERS OF AN UNDERGROUND SOURCE, )  
WITHIN THE CARSON DESERT GROUND )  
WATER BASIN, CHURCHILL COUNTY, )  
NEVADA. )

RULING  
#3805

GENERAL

I.

Application 54910 was filed on June 5, 1990, by Moapa Research & Development, Inc. to appropriate 0.0135 c.f.s. of water from an underground source for milling purposes within the SE1/4 NE/14 Section 14, T.19N., R.27E., M.D.B.&M. The point of diversion is described as being within the SE1/4 NE1/4 Section 14, T.19N., R.27E., M.D.B.&M.<sup>1</sup>

FINDINGS OF FACT

I.

The applicant was notified by certified mail on October 17, 1990, to submit additional information to the State Engineer's office regarding consumptive use, specifically, requesting data concerning water conservation measures and amount of water to be recycled. The return receipt was received from the addressee on October 22, 1990.<sup>2</sup> To date the information requested has not been received from the applicant.<sup>3</sup>

-----  
1 Public record in the office of the State Engineer.

2 See Certified Mail Return Receipt No. P 560 207 465.

3 A check of the record of the State Engineer indicates that no information has been received.

II.

The applicant was notified by certified mail on December 5, 1990, to submit additional information requested by the State Engineer's office. The return receipt was received from the addressee on December 10, 1990.<sup>4</sup> The letter assigned a 30 day time limit to file the required information or request a postponement of further action as provided by NRS 533.370, subsection 2. To date the information requested has not been received from the applicant.<sup>3</sup>

III.

The applicant and possible new owners were notified by certified mail on January 31, 1991, to submit the additional information requested by the State Engineer's Office. The return receipts were received from both addressees on February 4, and February 5, 1991, respectively.<sup>5</sup> To date the information requested has not been received from the applicant.<sup>3</sup>

CONCLUSIONS

I.

The State Engineer has jurisdiction of the parties and the subject matter of this action and determination.<sup>6</sup>

II.

Before either approving or rejecting an application, the State Engineer may require such additional information as will enable him to guard the public interest properly.<sup>7</sup>

---

<sup>4</sup> See Certified Mail, Return Receipt No. P 560 207 533.

<sup>5</sup> See Certified Mail, Return Receipt No's. P 397 018 266 and P 397 018 267.

<sup>6</sup> NRS Chapters 533 and 534.

<sup>7</sup> NRS 533.375.

III.

The State Engineer is prohibited by law from granting a permit under an application to appropriate the public waters where:<sup>8</sup>

- A. There is no unappropriated water at the proposed source, or
- B. The proposed use conflicts with existing rights, or
- C. The proposed use threatens to prove detrimental to the public interest.

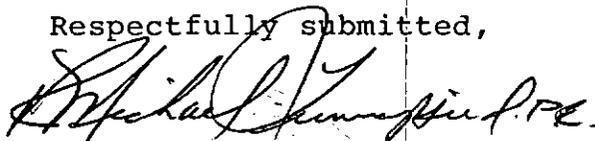
IV.

The applicant has failed to submit the information requested by the State Engineer's office. Therefore sufficient information is not available to the State Engineer to guard the public interest properly.

RULING

Application 54910 is hereby denied on the grounds that the applicant has not submitted the information requested by the State Engineer's Office and therefore the granting of said application without the additional information requested would not be in the public interest.

Respectfully submitted,

  
R. MICHAEL TURNIPSEED, P.E.  
State Engineer

RMT/DJL/pm

Dated this 5th day of  
June, 1991

-----  
<sup>8</sup> NRS 533.370(3).