

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

IN THE MATTER OF APPLICATION 41032 )  
FILED TO APPROPRIATE THE PUBLIC )  
WATERS OF AN UNDERGROUND SOURCE )  
WITHIN MASON VALLEY GROUND WATER )  
BASIN (108), LYON COUNTY, NEVADA. )

RULING

**#4172**

GENERAL

I.

Application 41032 was filed April 8, 1980 by Mr. Thomas C. Wilson to appropriate 2.0 cubic feet per second (cfs) of water from an underground source for industrial purposes within portions of Sections 26, 27 and 35, T.16N., R.24E., M.D.B.&M. The point of diversion is described as being within the NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 19, T.15N., R.25E., M.D.B.&M. Application 41032 became ready for the State Engineer's action December 14, 1980.<sup>1</sup>

FINDINGS OF FACT

I.

The applicant and his agent were notified by certified mail December 8, 1994, to advise the State Engineer within 30 days if he wished to pursue Application 41032.<sup>1</sup> The return receipt for the certified mail to the applicant shows the letter was received December 13, 1994.<sup>2</sup> The return receipt for the certified mail to the applicant's agent, George W. Ball, Jr., shows the letter was received December 12, 1994.<sup>3</sup> To date there has been no response

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<sup>1</sup> Public record in the Office of the State Engineer, Application 41032.

<sup>2</sup> Public record in the Office of the State Engineer, Certified Mail Return Receipt P 886 993 912 filed in Application 41032.

<sup>3</sup> Public record in the Office of the State Engineer, Certified Mail Return Receipt P 866 993 913, filed in Application 41032.

to this notification from either the applicant or his agent regarding Application 41032.<sup>1</sup>

After sending the certified letters dated December 8, 1994, another mailing address for the applicant was found. The applicant was notified at this address by certified mail January 12, 1995 to advise the State Engineer within 30 days if he wished to pursue Application 41032.<sup>1</sup> The return receipt for this certified mail to the applicant shows the letter was received January 14, 1995.<sup>4</sup> There has been no response to the request for information. The State Engineer finds that the Applicant was properly notified and that he failed to respond to the request for additional information.

CONCLUSIONS

I.

The State Engineer has jurisdiction of the parties and the subject matter of this action and determination under the provisions of NRS 533.325, NRS 533.335, and NRS 533.340.

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<sup>4</sup> Public record in the Office of the State Engineer, Certified Mail Return Receipt P 866 993 936 filed in Application 41032.

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>5</sup>

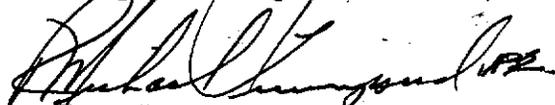
III.

The applicant of Application 41032 has been properly notified of the requirement for additional information concerning this application and has failed to submit the required information to the State Engineer's Office. Therefore, sufficient information is not available to the State Engineer to properly guard the public interest.

RULING

Application 41032 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 a permit for this application without the additional information would not be in the public interest.

Respectfully submitted,



R. MICHAEL TURNIPSEED, P.E.  
State Engineer

RMT/CAB/pm

Dated this 24th day of  
March, 1995.

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<sup>5</sup> NRS 533.375.