

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

IN THE MATTER OF APPLICATION 50427 FILED )  
TO APPROPRIATE THE PUBLIC WATERS OF AN )  
UNDERGROUND SOURCE WITHIN THE DIXIE )  
VALLEY GROUNDWATER BASIN (128), CHURCHILL )  
COUNTY, NEVADA )

RULING

# 4300

GENERAL

I.

Application 50427 was filed on December 15, 1986, by William C. or Joan N. Persinger to appropriate 3.0 cubic feet per second (cfs) of water from the Dixie Valley Groundwater Basin for irrigation and domestic purposes for use within the SW $\frac{1}{4}$  of Section 15, T.21N., R.35E., M.D.B.&M. The point of diversion is described as being located within the NW $\frac{1}{4}$ SW $\frac{1}{4}$  of said Section 15. Application 50427 became ready for action by the State Engineer on April 16, 1987.<sup>1</sup>

FINDINGS OF FACT

I.

On December 21, 1995 a letter was sent to the applicants requesting, "If you are still interested in pursuing this application please notify this office in writing within 30 days."<sup>1</sup> The letter to the applicants was returned to the State Engineer's Office by the United States Postal Service marked "Return to Sender - No Such Address."<sup>1</sup> The State Engineer's Office then attempted to contact the applicants by telephone using the telephone number of record found in Application No. 50427. The telephone number was found to be incorrect. Further attempts were made by the State Engineer's Office to locate the applicants through the Nevada telephone directory and Nevada Directory Assistance. Both attempts were unsuccessful. The State Engineer finds that all attempts to

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<sup>1</sup> File No. 50427, official records of the Office of the State Engineer.

reach the applicants have been unsuccessful, and to date no information has been received in response to the request for information.

II.

The State Engineer finds it is the responsibility of the applicants or their successor in interest to keep this office informed of their current mailing address.

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 a permit under an application to appropriate the public waters where:

1. There is no unappropriated water at the proposed source, or
2. The proposed use conflicts with existing rights, or
3. The proposed use threatens to prove detrimental to the public interest.<sup>4</sup>

IV.

The State Engineer concludes the applicants have failed to keep the Office of the State Engineer informed as to their current mailing address.

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<sup>2</sup> NRS Chapters 533 and 534.

<sup>3</sup> NRS 533.375.

<sup>4</sup> NRS 533.370(3).

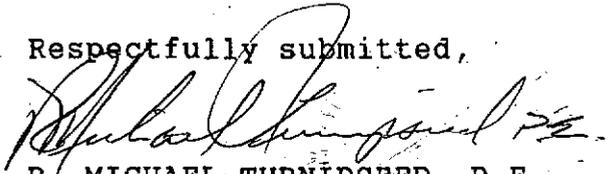
V.

The State Engineer concludes the applicants were properly notified, based on the records of the State Engineer, of the requirement of additional information concerning this application and have failed to submit the requested information to the State Engineer's Office. The State Engineer concludes that without the additional information requested, sufficient information is not available for the State Engineer to properly guard the public interest.

RULING

Application 50427 is hereby denied on the grounds that the applicants have not kept the State Engineer properly informed of their current mailing address and due to this failure the State Engineer has been unable to determine if the applicant is even interested in pursuing this application, and that without this information, granting of the application would be detrimental to the public interest.

Respectfully submitted,



R. MICHAEL TURNIPSEED, P.E.  
State Engineer

RMT/BEM/ab

Dated this 13th day of  
February, 1996.