

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

IN THE MATTER OF APPLICATION 59778)
FILED TO APPROPRIATE THE PUBLIC)
WATERS OF AN UNDERGROUND SOURCE)
WITHIN THE DAYTON VALLEY GROUNDWATER)
BASIN (103), LYON COUNTY, NEVADA.)

RULING

4378

GENERAL

I.

Application 59778 was filed on February 23, 1994, by I.R. Andersen or Kim L. Colard Trustees for I.R. Andersen and J.E. Andersen Trust DTD 82479 to change the point of diversion, place of use and manner of use of 0.03 cubic feet per second (cfs) of underground water previously appropriated under Permit 44396. The existing manner of use is irrigation and domestic, and the proposed manner of use is quasi-municipal and domestic.¹ The proposed place of use is located within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 18, T.17N., R.23E., M.D.B.&M. The proposed point of diversion is described as being located within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 18. Application 59778 became ready for the State Engineer's action January 29, 1995.

FINDINGS OF FACT

I.

On May 24, 1996, the applicant was notified by certified mail to submit additional information to the State Engineer before further consideration could be given towards the issuance of any permit under Application 59778. The applicant was advised that failure to respond within thirty (30) days could result in denial of the application. The endorsed return receipt for the certified mailing to the applicant was received in the Office of the State Engineer on May 29, 1996. The State Engineer finds that the applicant was properly notified and failed to respond to the request for additional information.

¹ File No. 59778, official records of the Office of the State Engineer.

II.

The State Engineer finds that it is the responsibility of the applicant or his successor in interest to keep this office informed as to a current mailing address.

CONCLUSIONS

I.

The State Engineer has jurisdiction over 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 change application where:⁴

- A. The proposed use conflicts with existing rights, or
- B. The proposed use threatens to prove detrimental to the public interest.

IV.

The applicant 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. The State Engineer concludes that without the additional information, sufficient information is not available to properly guard the public interest.

² NRS Chapters 533 and 534.

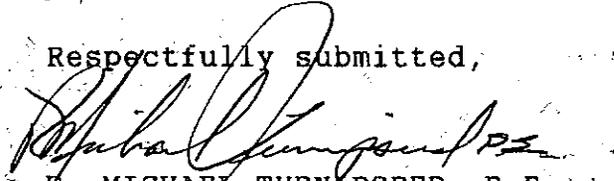
³ NRS 533.375.

⁴ NRS 533.370(3).

RULING

Application 59778 is hereby denied on the grounds that the applicant has not submitted the information requested by the State Engineer's Office and that without this information the granting of the application would be detrimental to the public interest.

Respectfully submitted,



R. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/TW/ab

Dated this 23rd day of
July, 1996.