

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

IN THE MATTER OF APPLICATION 45192)
FILED TO APPROPRIATE THE PUBLIC)
WATERS OF AN UNDERGROUND SOURCE)
WITHIN THE PAHRANAGAT VALLEY)
GROUNDWATER BASIN (209), LINCOLN)
COUNTY, NEVADA.)

RULING

4495

GENERAL

I.

Application 45192 was filed on January 12, 1982, by Charles Earl Wadsworth, Jr. & Verle Wadsworth and Donald Clayton Wadsworth & Myrna Dell Wadsworth to appropriate 2.0 cubic feet per second (cfs) of water from the Pahrnagat Valley Groundwater Basin for irrigation and domestic purposes within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ and the W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 19, T.6S., R.61E., M.D.B.&M. The point of diversion is described as being located within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 19. Application 45192 became ready for the State Engineer's action on September 11, 1982.¹

FINDINGS OF FACT

I.

By certified letter dated April 10, 1996, the applicant and the Utah Farm Production Credit Association were informed that the State Engineer was purging the files of older applications and were asked to advise the State Engineer within 30 days if the applicant wished to pursue Application 45192. The endorsed return receipt for the certified letter to the applicant was received in the Office of the State Engineer on April 12, 1996. The certified letter to the Utah Farm Production Credit Association was returned by the United States Postal Service as undeliverable. The State Engineer finds that to date there has been no response from the applicant to this notification regarding Application 45192.¹

¹File No. 45192, official records in the Office of the State Engineer.

II.

The State Engineer finds that it is the responsibility of the holder or owner of an application or a water right to keep this office informed of a current mailing address.

III.

The State Engineer finds that the applicant was properly notified of the request for additional information and failed to respond.¹

CONCLUSIONS

I.

The State Engineer has jurisdiction over the parties and of 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 permit under an application to appropriate the public waters where:⁴

- 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 was properly notified of the requirement for additional information concerning this application and has failed to submit the information to the State Engineer's Office. The

²NRS Chapters 533 and 534.

³NRS 533.375.

⁴NRS 533.370(3).

Ruling
Page 3

State Engineer concludes that without the information requested sufficient information is not available for the State Engineer to properly guard the public interest.

RULING

Application 45192 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/RAD/ab

Dated this 14th day of
February, 1997.