

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

IN THE MATTER OF APPLICATIONS 46172 AND )  
46289 FILED TO APROPRIATE THE PUBLIC. )  
WATERS OF AN UNDERGROUND SOURCE )  
WITHIN PAHRANAGAT VALLEY HYDROGRAPHIC )  
BASIN (209), LINCOLN COUNTY, NEVADA. )

**RULING**

**# 4914**

**GENERAL**

**I.**

Application 46172 was filed on September 27, 1982, by Jay and Marjorie Wright to appropriate 2.0 cubic feet per second of water from an underground source for irrigation purposes within the SW $\frac{1}{4}$  NE $\frac{1}{4}$ , NW $\frac{1}{4}$  SE $\frac{1}{4}$ , NE $\frac{1}{4}$  SW $\frac{1}{4}$ , SE $\frac{1}{4}$  NW $\frac{1}{4}$ , NW $\frac{1}{4}$  SW $\frac{1}{4}$  and SW $\frac{1}{4}$  NW $\frac{1}{4}$ , all within Section 14, T.4S., R.60E., M.D.B.&M.. The proposed point of diversion is described as being located within the SW $\frac{1}{4}$  NE $\frac{1}{4}$  of said Section 14.<sup>1</sup>

**II.**

Application 46289 was filed on November 2, 1982, by Jay and Marjorie Wright to appropriate 0.67 cubic feet of water from an underground source for irrigation purposes within the same place of use as described under Application 46172. The proposed point of diversion is described as being located within the NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 14, T.4S., R.60E., M.D.B.&M.<sup>2</sup>

**FINDINGS OF FACT**

**I.**

The current owners of record of Applications 46172 and 46289, Jay and Marjorie Wright and Keith and Gwen Whipple, and the agent for the owners of record, Philip C. Hulse, were notified by certified mail dated April 17, 1996, that additional information regarding these two applications was necessary.<sup>1</sup> The return receipts from those certified letters were received from Keith and Gwen Whipple and Philip C. Hulse, agent on April 29, 1996, and from Jay and Marjorie Wright on May 2, 1996.<sup>1</sup> On May 14, 1996, this office received a faxed letter from Michael Cannon identifying himself as the current owner of that portion of Applications 46172 and 46289 previously owned by Jay and

<sup>1</sup> File No. 46172, official records in the office of the State Engineer.

<sup>2</sup> File No. 46289, official records in the office of the State Engineer.

Marjorie Wright and requested additional information regarding these two applications.<sup>1,2</sup> On May 22, 1996, a certified letter was sent to Michael Cannon, with copies to Jay and Marjorie Wright, Keith and Gwen Whipple and Philip C. Hulse, agent, answering his questions and requesting that certain information be submitted to this office.<sup>1,2</sup> The return receipts from those certified letters were received from Michael Cannon and Keith and Gwen Whipple on May 28, 1996 and from Jay and Marjorie Wright on May 30, 1996.<sup>1</sup> The certified letter to Philip C. Hulse, agent, was returned by the U. S. Postal Service as "Unclaimed" on June 27, 1996.<sup>1</sup> The State Engineer finds that to date the information requested has not been received.<sup>1</sup>

**II.**

The State Engineer finds that the current owners of record and their agent were properly notified of the request for additional information and failed to respond.

**CONCLUSIONS**

**I.**

The State Engineer has jurisdiction over the parties and of the subject matter of this action and determination.<sup>3</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>4</sup>

**III.**

The State Engineer is prohibited by law from granting a permit under an application to appropriate the public waters where:<sup>5</sup>

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

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<sup>3</sup> NRS chapters 533 and 534.

<sup>4</sup> NRS § 533.375.

<sup>5</sup> NRS § 533.370(3).

IV.

The current owners of record and their agent were properly notified of the requirement for additional information concerning these applications and have failed to submit the information to the State Engineer's office. The State Engineer concludes that without the information requested sufficient information is not available for the State Engineer to properly guard the public interest.

RULING

Applications 46172 and 46289 are hereby denied on the grounds that the current owners of record and their agent have not submitted the information requested by the State Engineer's office and that without this information the granting of the applications would threaten to prove detrimental to the public interest.

Respectfully submitted,



R. MICHAEL TURNIPSEED, P.E.  
State Engineer

RMT/RAD/cl

Dated this 28th day of  
April, 2000.