

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

IN THE MATTER OF APPLICATION 66062)
FILED TO CHANGE THE PLACE OF USE OF AN)
UNDERGROUND SOURCE WITHIN THE)
DIAMOND VALLEY HYDROGRAPHIC BASIN)
(153), EUREKA COUNTY, NEVADA.)

RULING

4999

GENERAL

I.

Application 66062 was filed on February 8, 2000, by Art R. and Frances Gale to change the place of use of 1.02 cubic feet per second (cfs), not to exceed 303.08 acre-feet annually, of underground water previously appropriated under Permit 57837 for irrigation and domestic purposes within portions of Sections 12, 13, 19, 24, 25, 30, T.23N., R.52E., M.B.D.&M.¹ The proposed point of diversion is described as being located within the SE¼ SW¼ of Section 13, T.23N., R.52E., M.D.B.&M.¹

FINDINGS OF FACT

I.

The applicant was notified by certified mail dated May 31, 2000, that additional information was needed regarding Application 66062, as the ownership of Permit 57837 was not in the applicants' names. The return receipt from this certified letter was received in the office of the State Engineer on June 5, 2000. The State Engineer finds that to date the information requested has not been received.¹

II.

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

¹ File No. 66062, official records in the office of the State Engineer.

² NRS chapters 533 and 534.

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 change the public waters 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 applicants were properly notified of the requirement for additional information concerning this application 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

Application 66062 is hereby denied on the grounds that the applicants have not submitted the information requested by the State Engineer's office and that without this information the granting of the application would threaten to prove detrimental to the public interest.

Respectfully submitted,


HUGH RICCI, P.E.
State Engineer

HR/RAD/cl

Dated this 23rd day of
January, 2001.

³ NRS § 533.375.

⁴ NRS § 533.370(3).