

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

IN THE MATTER OF APPLICATION 55017 )  
FILED TO APROPRIATE THE PUBLIC )  
WATERS OF AN UNDERGROUND SOURCE )  
WITHIN THE WHITE RIVER VALLEY )  
HYDROGRAPHIC BASIN (207), WHITE )  
PINE COUNTY, NEVADA. )

RULING

# 5039

GENERAL

I.

Application 55017 was filed on June 29, 1990, by Dan F. Halstead and Sons Trucking Company to appropriate 0.1 cubic feet per second of water from an underground source for quasi-municipal purposes within portions of the NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 17, and portions of the NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 18, T.12N., R.62E., M.D.B.&M. The proposed point of diversion is described as being located within the NE $\frac{1}{4}$  SW $\frac{1}{4}$  of said Section 17.<sup>1</sup>

FINDINGS OF FACT

I.

By letter dated August 23, 1995, the State Engineer requested additional information regarding Application 55017. The applicant's agent responded by letter dated October 24, 1995, and requested the State Engineer withhold action on Application 55017.<sup>1</sup> The State Engineer finds the applicant expressed no further interest in pursuing Application 55017.

II.

The applicant and its agent were notified by certified mail dated July 13, 2000, that additional information was needed regarding Application 55017. The applicant was

<sup>1</sup> File No. 55017, official records in the office of the State Engineer.

further warned that failure to respond within 90 days might result in denial of the application. The return receipts from this certified letter were received in the office of the State Engineer from the above two parties on July 17 and July 19, 2000, respectively. The State Engineer finds that to date the information requested has not been received.<sup>1</sup>

**III.**

The State Engineer finds that the applicant and its agent were properly notified of the request for additional information and failed to respond.<sup>1</sup>

**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:<sup>4</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>2</sup> NRS chapters 533 and 534.

<sup>3</sup> NRS § 533.375.

<sup>4</sup> NRS § 533.370(3).

IV.

The applicant and its agent 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 55017 is hereby denied on the grounds that the applicant and its agent 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/hf

Dated this 19th day of  
June, 2001.