

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATION 41486)
FILED TO APPROPRIATE THE PUBLIC)
WATERS OF AN UNDERGROUND SOURCE IN)
BUENA VISTA VALLEY, PERSHING COUNTY,)
NEVADA.)

RULING

GENERAL

Application 41486 was filed on June 10, 1980, by Darrell W. Norman to appropriate 1.0 c.f.s. of water from an underground source for mining, milling and domestic purposes within the E1/2 SE1/4 Section 34, SW1/4 Section 35, S1/2 SW1/4 and SE1/4 Section 36, T.29N., R.34E., M.D.B.&M.; N1/2 SE1/4, N1/2 SW1/4 Section 31, T.29N., R.35E., M.D.B.&M. The point of diversion is described as being within the NE1/4 NE1/4 Section 5, T.28N., R.34E., M.D.B.&M.¹

FINDINGS OF FACT

I.

On July 17, 1984, and August 23, 1984, certified letters were sent to Darrell W. Norman, 1600 Ricci Lane, Fernley, Nevada, 89408. Those letters requested additional information concerning Application 41486. The return receipts for the certified letters, P616 538 434 and P616 537 830, respectively, were both returned with the signature "Pat Norman".¹

II.

On August 21, 1984, a letter was received from Darrel W. Norman. This letter requested an additional 30 days to prepare the information requested by the State Engineer.¹

III.

On October 3, 1984, a certified letter was sent to Darrel W. Norman at the aforementioned address again requesting additional information. The return receipt for the certified letter, P537 462 881, was returned with the signature "Pat Norman".¹

IV.

On October 3, 1984, a letter was received from Darrell W. Norman. This letter attempted to answer the questions asked in the previous letters from the State Engineer about consumptive use. This letter did not adequately address the issues.¹

¹ Public record in the office of the State Engineer.

V.

On November 14, 1984, a certified letter was sent to Darrell W. Norman at the aforementioned address. This letter informed Mr. Norman that his letter dated September 18, 1984, (received October 3, 1984) was inadequate. This letter went on to restate the additional information being requested. The return receipt for the certified letter, P665 704 632, was returned with the signature "Pat Norman".¹

VI.

A review of the record under Application 41486 revealed that the requested information has not been received by the State Engineer within the time limit specified under the November 14, 1984, letter.

CONCLUSIONS

I.

The State Engineer has jurisdiction of the parties and the subject matter of this action.²

II.

The State Engineer may require additional information before approval or rejection of an application.³

III.

The requested information has not been received from the applicant under Application 41486.

RULING

Application 41486 is hereby denied on the grounds that the additional information requested from the applicant was not received by the State Engineer and to approve said application without the additional information requested would not be in the public interest.

Respectfully submitted



Peter G. Morros
State Engineer

PGM/GT/bl

Dated this 23rd day of

January, 1985.

² NRS 535.325.

³ NRS 533.375.