

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

IN THE MATTER OF APPLICATION 50159 FILED )  
TO APPROPRIATE THE PUBLIC WATERS OF AN )  
UNDERGROUND SOURCE WITHIN THE DIXIE )  
VALLEY GROUNDWATER BASIN (128), CHURCHILL )  
COUNTY, NEVADA )

RULING

# 4294

GENERAL

I.

Application 50159 was filed on September 17, 1986, by Chester B. Knittle to appropriate 2.0 cubic feet per second (cfs) of water from an underground source for irrigation purposes within the SW $\frac{1}{4}$  of Section 1, T.21N., R.34E., M.D.B.&M. The point of diversion is described as being located within the SW $\frac{1}{4}$ SW $\frac{1}{4}$  of said Section 1. Application 50159 became ready for action by the State Engineer on January 25, 1987.<sup>1</sup>

FINDINGS OF FACT

I.

On December 21, 1995, a letter was sent to the applicant requesting, "If you are still interested in pursuing this application please notify this office in writing within 30 days." The letter to the applicant was returned to the State Engineer's Office by the United States Postal Service marked "Return to Sender - No Such Address."<sup>1</sup> The State Engineer's Office then attempted to contact the applicant by phone using the phone number of record found in Application No. 50159. The telephone number was found to be incorrect. Further attempts were made by the State Engineer's Office to locate the applicant through the Nevada phone directory and Nevada Directory Assistance. Both attempts were unsuccessful. The State Engineer finds that all attempts to reach the applicant have been unsuccessful, and to date no information has been received in response to the request for information.

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<sup>1</sup> File No. 50159, official records of the Office of the State Engineer.

II.

The State Engineer finds it is the responsibility of the applicant or his successor in interest to keep this office informed of his current mailing address.

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:

1. There is no unappropriated water at the proposed source, or
2. The proposed use conflicts with existing rights, or
3. The proposed use threatens to prove detrimental to the public interest.<sup>4</sup>

IV.

The State Engineer concludes the applicant has failed to keep the Office of the State Engineer informed as to his current mailing address.

V.

The applicant was properly notified, based on the records of the State Engineer, of the requirement of additional information concerning this application and has failed to submit the requested information to the State Engineer's Office. The State Engineer

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<sup>2</sup> NRS Chapters 533 and 534.

<sup>3</sup> NRS 533.375.

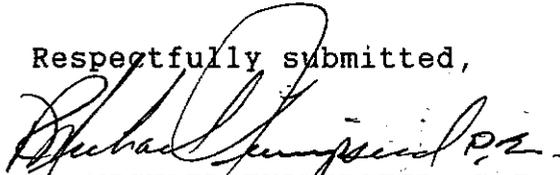
<sup>4</sup> NRS 533.370(3).

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

RULING

Application 50159 is hereby denied on the grounds that the applicant has not kept the State Engineer properly informed of his current mailing address and, due to this failure, the State Engineer has been unable to determine if the applicant is even interested in pursuing this application, and that without this information, granting of the application would be detrimental to the public interest.

Respectfully submitted,



R. MICHAEL TURNIPSEED, P.E.  
State Engineer

RMT/BEM/ab

Dated this 29th day of  
January, 1996.