

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

IN THE MATTER OF APPLICATIONS 43599)
43600, and 43601 FILED TO APPROPRIATE)
THE PUBLIC WATERS OF AN UNDERGROUND)
SOURCE WITHIN THE PAHRANAGAT VALLEY)
GROUNDWATER BASIN (209), LINCOLN)
COUNTY, NEVADA.)

RULING
4359

GENERAL

I.

Application 43599 was filed by Bryan K. Hafen and Dawn N. Hafen to appropriate 5.4 cubic feet per second (cfs) of water from an underground source for irrigation and domestic purposes within portions of Sections 14, 23, 24, 25, 26 and 36, all in T.5S., R. 60E., M.D.B.&M.¹ The point of diversion is described as being located within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 25, T.5S., R.60E., M.D.B.&M. Application 43599 became ready for the State Engineer's action on November 3, 1981.¹

Application 43600 was filed by Bryan K. Hafen and Dawn N. Hafen to appropriate 5.4 cfs of water from an underground source for irrigation and domestic purposes within portions of Sections 14, 23, 24, 25, 26 and 36, all in T.5S., R. 60E., M.D.B.&M.² The point of diversion is described as being located within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 36, T.5S., R.60E., M.D.B.&M. Application 43600 became ready for the State Engineer's action on October 10, 1981.²

Application 43601 was filed by Bryan K. Hafen and Dawn N. Hafen to appropriate 5.4 cfs of water from an underground source for irrigation and domestic purposes within portions

¹File No. 43599, official records of the Office of the State Engineer.

²File No. 43600, official records of the Office of the State Engineer.

of Sections 14, 23, 24, 25, 26 and 36, all in T.5S., R. 60E., M.D.B.&M.³ The point of diversion is described as being located within the NW¼SE¼ of Section 25, T.5S., R.60E., M.D.B.&M. Application 43601 became ready for the State Engineer's action on October 10, 1981.³

FINDINGS OF FACT

I.

By certified letter dated January 18, 1985, the applicants were requested to provide evidence of ownership of the lands described under said applications.¹⁻³ The endorsed receipt for the certified mailing was received in the Office of the State Engineer on January 23, 1985.

By certified letter dated March 19, 1985, the applicants were again asked to provide the requested information pertaining to Applications 43599, 43600 and 43601 within thirty (30) days of the date of the letter, and were advised that failure to respond might result in the denial of the applications.¹⁻³ The endorsed return receipt for the certified letter was received in the Office of the State Engineer on March 25, 1985. The State Engineer finds that to date there has been no response to this notification from the applicants regarding applications 43599¹, 43600² and 43601³.

By certified letter dated June 13, 1985, the State Engineer informed the applicants that further action regarding the applications would be withheld pending receipt of the documents requested by the State Engineer. The State Engineer finds that no response was received from the applicants to the request for documentation.

II.

By certified letter dated April 16, 1996, the applicants' agent was informed that the State Engineer was purging the files of older applications and was asked to advise the State Engineer within thirty (30) days if the applicants wished to pursue Applications 43599, 43600 and 43601. The endorsed return receipt for this certified letter was received in the Office of the State Engineer on April 25, 1996. The State Engineer finds that to date there has been no response to this notification from the applicants' agent regarding applications 43599, 43600 and 43601.

³File No. 43601, official records of the Office of the State Engineer.

III.

The State Engineer finds that the applicants were properly notified of the request for additional information and failed to respond.

CONCLUSIONS

I.

The State Engineer has jurisdiction over the subject matter of this action and determination.⁴

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.⁵

III.

The State Engineer is prohibited by law from granting a permit under an application to appropriate the public waters where⁶:

- a. There is no unappropriated water at the proposed source, or
- b. The proposed use conflicts with existing rights, or
- c. The proposed use threatens to prove detrimental to the public interest.

IV.

The applicants 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.

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⁴NRS Chapters 533 and 534.

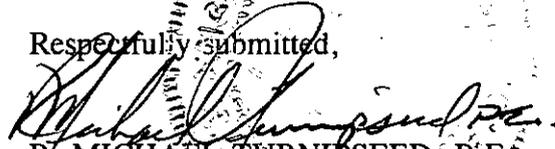
⁵NRS Chapter 533.375.

⁶NRS Chapter 533.370(3).

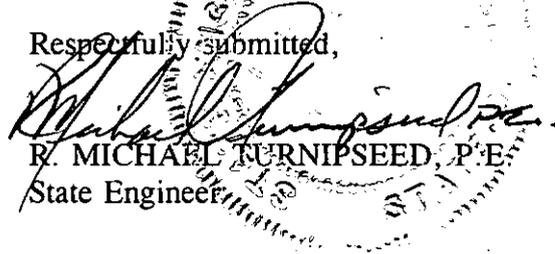
RULING

Applications 43599, 43600 and 43601 are 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 applications would be detrimental to the public interest.

Respectfully submitted,



R. MICHAEL TURNIPSEED, P.E.
State Engineer



RMT/RAD/sc

Dated this 11th day

of June, 1996.