

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

IN THE MATTER OF APPLICATION 60894)
FILED TO APROPRIATE THE PUBLIC)
WATERS OF AN UNDERGROUND SOURCE)
WITHIN ANTELOPE VALLEY GROUNDWATER)
BASIN (106), DOUGLAS COUNTY, NEVADA.)

RULING

4856

GENERAL

I.

Application 60894 was filed on February 7, 1995, by George and Marjorie E. Gregory to appropriate water from an underground source for commercial and domestic purposes within the NW¼ SW¼ of Section 29, T.10N., R.22E., M.D.B.&M. The proposed point of diversion is described as being located within the NW¼ SW¼ of said Section 29.¹

FINDINGS OF FACT

I.

The applicants were notified by certified mail dated September 23, 1997, that additional information regarding this application was necessary. The U.S. Postal Service returned this letter on October 24, 1997.¹ A second certified letter was mailed to the applicant on August 18, 1999, and this letter was returned by the U.S. Postal Service on August 24, 1999, marked "Temporarily away, Return to sender".¹ On August 26, 1999, the August 18, 1999, letter was again sent by certified mail, and again was returned by the U.S. Postal Service marked "Temporarily away, Return to sender".¹ On October 7, 1999, the August 18, 1999, letter was again sent to the applicants via first class mail. The State Engineer finds that to date the information requested has not been received in response to the State Engineer's request for more information.¹

II.

The State Engineer finds that it is the responsibility of the applicants or their successor in interest to keep this office informed of a current mailing address.

III.

The State Engineer finds that the applicants were properly notified of the request for additional information and failed to respond.¹

¹ File No. 60894, official records in the office of the State Engineer.

CONCLUSIONS

I.

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

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 an application to appropriate the public waters where:⁴

- 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.

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 60894 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,


R. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/RAD/cl
Dated this 18th day of
February, 2000.

² NRS Chapters 533 and 534.

³ NRS § 533.375.

⁴ NRS § 533.370(3).