

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

IN THE MATTER OF APPLICATION 58597)
FILED TO APROPRIATE THE PUBLIC)
WATERS OF AN UNDERGROUND SOURCE)
WITHIN WHITE RIVER VALLEY HYDROGRAPHIC)
BASIN (207), WHITE PINE COUNTY, NEVADA)

RULING
4910

GENERAL

I.

Application 58597 was filed on March 9, 1993, by Rusty Bourgeois to appropriate 0.5 cubic feet per second of water from an underground source for irrigation and domestic purposes within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 30 and the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 31, all in T.12N., R.62E., M.D.B.&M. The proposed point of diversion is described as being located within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 30, T.12N., R.62E., M.D.B.&M.¹

FINDINGS OF FACT

I.

The applicant and his agent were notified by certified mail dated September 20, 1996, that additional information was needed regarding Application 58597.¹ The return receipts from this certified letter to the agent and his applicant were received in the office of the State Engineer on September 26, 1996 and October 7, 1996, respectively.¹ The State Engineer finds that to date the information requested has not been received.¹

II.

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

CONCLUSIONS

I.

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

¹ File No. 58597, official records in the office of the State Engineer.

² NRS chapters 533 and 534.

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 a permit under 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.

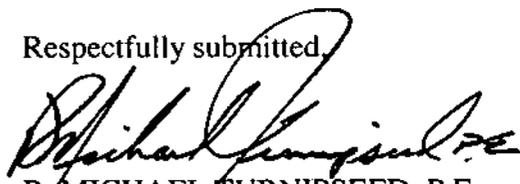
IV.

The applicant and his 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 58597 is hereby denied on the grounds that the applicant or agent has not submitted the information requested by the State Engineer's office and that without this information the granting of the applications would threaten to prove detrimental to the public interest.

Respectfully submitted,


R/MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/RAD/cl
Dated this 25th day of
April, 2000.

³ NRS § 533.375.

⁴ NRS § 530.370(3).