

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

IN THE MATTER OF APPLICATION 51446)
FILED TO APPROPRIATE THE PUBLIC)
WATERS OF AN UNDERGROUND SOURCE)
WITHIN SNAKE VALLEY HYDROGRAPHIC)
BASIN (195), WHITE PINE COUNTY, NEVADA)

RULING

4913

GENERAL

I.

Application 51446 was filed on October 21, 1987, by Olen B. and Janet Kern to appropriate 1.0 cubic feet per second of water from an underground source for quasi-municipal purposes within the SE¼ SW¼ of Section 9, T.13N., R.70E., M.D.B.&M. The proposed point of diversion is described as being located within the SE¼ SW¼ of said Section 9.¹

FINDINGS OF FACT

I.

The applicant and agent were notified by certified mail dated September 23, 1999, that additional information was needed regarding Application 51446.¹ The certified letter to the applicant was returned by the U.S. Postal Service stamped "Undeliverable As Addressed-Forwarding Order Expired" on October 5, 1999.¹ The return receipt from the certified letter to the agent was received in the office of the State Engineer on October 1, 1999.¹ The State Engineer finds that to date the information requested has not been received.¹

II.

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

III.

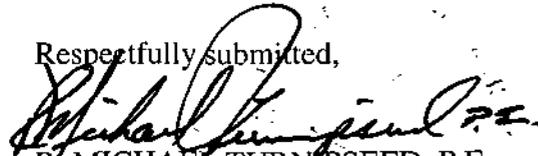
The State Engineer finds that the applicant and agent were properly notified of the request for additional information and failed to respond.¹

¹ File No. 51446, official records in the office of the State Engineer.

RULING

Application 51446 is hereby denied on the grounds that the applicants or their agent has 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 28th day of
April, 2000.

CONCLUSIONS

I.

The State Engineer has jurisdiction over the parties and of 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 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 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.

² NRS chapters 533 and 534.

³ NRS § 533.375.

⁴ NRS 533.370(3).