

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

IN THE MATTER OF APPLICATION 53697)
FILED TO APPROPRIATE THE PUBLIC)
WATERS OF AN UNDERGROUND SOURCE)
WITHIN THE PAHRANAGAT VALLEY)
HYDROGRAPHIC BASIN (209), LINCOLN)
COUNTY, NEVADA.)

RULING

5023

GENERAL

I.

Application 53697 was filed on July 18, 1989, by Charles E. Wadsworth to appropriate 0.07 cubic feet per second of water from an underground source for irrigation purposes within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 23, T.4S., R.60E., M.D.B.&M. The proposed point of diversion is described as being located within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 23.¹

FINDINGS OF FACT

I.

The applicant and his agent were notified by certified mail dated March 27, 2000, that additional information was needed regarding Application 53697. The return receipts from this certified letter were received in the office of the State Engineer on March 30, 2000, and April 24, 2000, respectively. 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.

¹File No. 53697, 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 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 was properly notified of the requirement for additional information concerning this application and has 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).

RULING

Application 53697 is hereby denied on the grounds that the applicant 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,



HUGH RICCE, P.E.

State Engineer

HR/RAD/dl

Dated this 11th day of
May, 2001.