

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

IN THE MATTER OF APPLICATION 56395)
FILED TO APPROPRIATE THE PUBLIC)
WATERS OF A SPRING WITHIN THE)
WHIRLWIND VALLEY HYDROGRAPHIC BASIN)
(060), LANDER COUNTY, NEVADA.)

RULING

#5087

GENERAL

I.

Application 56395 was filed on May 31, 1991, by Teresa A. Sansinena to appropriate 0.01 cubic feet per second of water from an unnamed spring for the stock watering of 200 head of cattle. The proposed point of diversion and place of use is described as being located within the SE $\frac{1}{4}$ of Section 4, T.31N., R.47E., M.D.B.&M.¹

FINDINGS OF FACT

I.

Every water right application that is filed within the Office of the State Engineer is assigned a serial number, under which an application file is created. This file contains the record of correspondence as it relates to an individual water right application. Any information received from the applicant in a written form is incorporated into the application file. The record of information contained within an application file is reviewed prior to any decision regarding the approval or denial of an application. Application 56395 was denied by State Engineer's Ruling No. 5026, which was issued on May 29, 2001.

This application was denied on the grounds that the applicant had failed to respond to the State Engineer's request for additional information.² The State Engineer finds that the denial

¹ File No. 56395, official records in the Office of the State Engineer.

² State Engineer's Ruling No. 5026, official records in the Office of the State Engineer.

of Application 56395 was based entirely upon the record of information contained within the application file prior to the denial.

II.

By letter dated November 8, 2000, the applicant was requested to provide additional information to the Office of the State Engineer. The applicant was also advised that a failure to respond to this request within a thirty day time period would result in a possible denial of the application.¹ An examination of the subject application file indicates that a written response to this request for information was never submitted; however, it was brought to light after the denial that the applicant had verbally responded to the office of the State Engineer within the thirty day time period set forth in the November 8, 2000, letter. This verbal response was documented in the application file after the decision to deny Application 56395 was made.¹ The State Engineer finds that at the time of the denial, the record of information contained within the application file under Application 56395 was incomplete, and did not accurately reflect the applicant's continued interest in pursuing Application 56395.

CONCLUSIONS

I.

The State Engineer has jurisdiction over the parties and the subject matter of this action and determination.³

II.

The denial of Application 56395 was based upon a record of information that at the time of this decision did not contain the applicant's affirmation of a continued interest in completing Application 56395; therefore, the State Engineer concludes that the denial of Application 56395 must be rescinded.

³ NRS chapter 533.

RULING

The denial of Application 56395 is hereby rescinded and Application 56395 is restored to ready for action status in the records of the office of the State Engineer.

Respectfully submitted,



HUGH RICCI, P.E.
State Engineer

HR/MB/jm

Dated this 10th day of
January, 2002.