

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

IN THE MATTER OF APPLICATION )  
47690 FILED TO APPROPRIATE THE )  
PUBLIC WATERS FROM UNNAMED )  
SPRINGS WITHIN THE DODGE )  
FLAT HYDROGRAPHIC BASIN (82), )  
WASHOE COUNTY, NEVADA. )

**RULING**

**# 5151**

**GENERAL**

**I.**

Application 47690 was filed on February 15, 1984, by Olinghouse (Greenhill) Development Co. and Ted V. Smith to appropriate 0.5 cubic feet per second of water from an un-named spring for mining, milling and domestic purposes. The place of use is described as within the E½ of Section 29, T.21N., R.23E., M.D.B.&M. The proposed point of diversion is described as being located within the NE¼ NE¼ of Section 32, T.21N., R.23E., M.D.B.&M.<sup>1</sup>

**FINDINGS OF FACT**

**I.**

The Applicants were notified by certified mail dated May 16, 2002, to advise the office of the State Engineer in writing if they were interested in pursuing Application 47690. The applicants were warned that failure to respond within 60 days could result in denial of the application. The certified letter was returned by the United States Postal Service stamped "RETURNED TO SENDER, No Such Number". On June 12, 2002, the letter was resent by regular mail. That letter was also returned by the United States Postal Service stamped "RETURN TO SENDER UNDELIVERABLE AS ADDRESSED".<sup>1</sup>

To date, no information on this matter has been submitted to the State Engineer's Office. The State Engineer finds that the applicant was properly notified of the request for additional information regarding interest in pursuing Application 47690 and failed to respond.

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<sup>1</sup> File No. 47690, official records in the Office of the State Engineer.

**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.

**CONCLUSIONS**

**I.**

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

**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.<sup>3</sup>

**III.**

The State Engineer is prohibited by law from granting a permit under an application to appropriate the public water where:<sup>4</sup>

- A. there is no unappropriated water at the proposed source;
- B. the proposed use or change conflicts with existing rights;
- C. the proposed use or change conflicts with protectible interests in existing domestic wells as set forth in NRS § 533.024; or
- D. the proposed use or change threatens to prove detrimental to the public interest.

**IV.**

The applicants were properly notified of the requirement for additional information concerning interest in this application and have failed to submit the information to the State Engineer's Office. The State Engineer concludes that the failure to respond affirms the applicants lack of interest in pursuing Application 47690.

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<sup>2</sup> NRS chapter 533.

<sup>3</sup> NRS § 533.375.

<sup>4</sup> NRS § 533.370(3).

RULING

Application 47690 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,



HUGH RICCI, P.E.  
State Engineer

HR/TW/jm

Dated this 25th day of  
September, 2002.