

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

IN THE MATTER OF APPLICATION )  
69166 FILED TO APROPRIATE THE )  
PUBLIC WATERS OF AN UNDERGROUND )  
SOURCE WITHIN THE CARSON DESERT )  
HYDROGRAPHIC BASIN (101), )  
CHURCHILL COUNTY, NEVADA. )

**RULING**

**#5447**

**GENERAL**

**I.**

Application 69166 was filed on September 17, 2002, by Eric C. and Glenna L. Palludan to appropriate 0.05 cubic feet per second of water from an underground source for commercial purposes within the NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 31, T.19N., R.29E., M.D.B.&M. The proposed point of diversion is described as being located within the NW $\frac{1}{4}$  SE $\frac{1}{4}$  of said Section 31.<sup>1</sup>

**FINDINGS OF FACT**

**I.**

The applicants and their agent were requested by certified mail dated April 29, 2003, to provide additional information regarding Application 69166. The applicants and their agent were further warned that failure to respond within 30 days might result in denial of Application 69166. The return receipt from this certified letter to the applicants and their agent was received in the Office of the State Engineer on May 7, 2003, and May 1, 2003, respectively.<sup>1</sup>

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<sup>1</sup> File No. 69166, official records in the Office of the State Engineer.

The State Engineer finds that the applicants and their agent were properly notified of the request for additional information and have failed to respond.<sup>1</sup>

### 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 an application to appropriate the public waters where:<sup>4</sup>

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

#### IV.

The applicant and his agent were properly notified by certified mail 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.

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<sup>2</sup> NRS chapter 533 and 534.

<sup>3</sup> NRS § 533.375.

<sup>4</sup> NRS § 533.370(4).

**RULING**

Application 69166 is hereby denied on the grounds that the applicants and their agent 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/RD/jm

Dated this 5th day of  
November, 2004.