

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

IN THE MATTER OF APPLICATIONS)
67480, 67481 AND 67482 FILED TO)
CHANGE THE POINT OF DIVERSION)
AND PLACE OF USE OF WATER)
PREVIOUSLY APPROPRIATED WITHIN)
THE PANACA VALLEY HYDROGRAPHIC)
BASIN (203), LINCOLN COUNTY,)
NEVADA.)

RULING

#5470

GENERAL

I.

Application 67480 was filed on May 4, 2001, by Kenneth D. and Norma D. Lee to change the point of diversion and place of use of 1.433 cubic feet per second (cfs), not to exceed 416.5 acre-feet per season (afs), a portion of underground water previously appropriated under Permit 16435, Certificate 5793, for irrigation and domestic purposes. The proposed place of use is described as being located within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 32, T.1S., R.68E., M.B.D.&M. The proposed point of diversion is described as being located within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 32.¹

II.

Application 67481 was filed on May 4, 2001, by Kenneth D. and Norma D. Lee to change the point of diversion and place of use of 1.635 cfs, not to exceed 374 afs, a portion of underground water previously appropriated under Permit 16912, Certificate 5794 for irrigation and domestic purposes. The proposed place of use is described as being located within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 32, T.1S., R.68E., M.B.D.&M. The proposed point of diversion is described as being located within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 32.²

¹ File No. 67480, official records in the office of the State Engineer.

² File No. 67481, official records in the office of the State Engineer.

III.

Application 67482 was filed on May 4, 2001, by Kenneth D. and Norma D. Lee to change the point of diversion and place of use of 0.365 cfs, not to exceed 83.5 afs, a portion of underground water previously appropriated under Permit 16912, Certificate 5794 for irrigation and domestic purposes. The proposed place of use is described as being located within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 32, T.1S., R.68E., M.B.D.&M. The proposed point of diversion is described as being located within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 32.³

FINDINGS OF FACT

I.

The applicant and agent were notified by certified mail dated April 29, 2003, that additional information was needed regarding Applications 67480, 67481 and 67482 and were given 60 days from the date of the letter to respond. The return receipts from the certified letter to the applicants and their agent were received in the Office of the State Engineer on May 5, 2003. The State Engineer finds that to date the information requested has not been received.^{1,2&3}

II.

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

CONCLUSIONS

I.

The State Engineer has jurisdiction over the parties and of the subject matter of this action and determination.⁴

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.⁵

³ File No. 67482, official records in the office of the State Engineer.

⁴ NRS chapters 533 and 534.

⁵ NRS § 533.375.

III.

The State Engineer is prohibited by law from granting a permit under an application to appropriate the public waters where:⁶

- 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 and their agent were properly notified of the requirement for additional information concerning these applications 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.

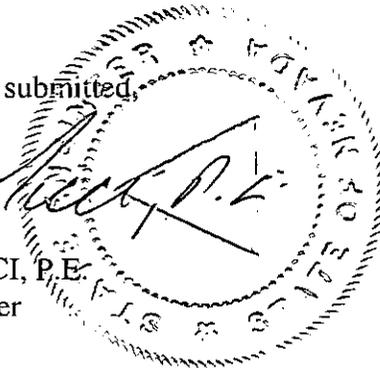
RULING

Applications 67480, 67481 and 67482 are 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 applications would be detrimental to the public interest.

Respectfully submitted,



HUGH RICCI, P.E.
State Engineer



HR/RAD/jm

Dated this 12th day of
January, 2005.

⁶ NRS § 533.370(4).