

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATIONS )  
35632, 35633, 35634, 51564, )  
51565, 51566 AND 51567 FILED TO )  
APPROPRIATE UNDERGROUND SOURCES )  
WITHIN SPRING VALLEY GROUND )  
WATER BASIN, WHITE PINE COUNTY, )  
NEVADA. )

RULING

3670

GENERAL

I.

Application 35632 was filed on July 17, 1978 by Richard M. Swallow and Vesta C. Swallow (H. & W.) to appropriate 1.134 c.f.s. of water from an underground source for Irrigation and Domestic purposes within the W1/2 NW1/4, portion of the SE1/4 NW1/4 of Section 26, the N1/2 NE1/4, SW1/4 NE1/4 of Section 27 and the NE1/4 of Section 34 T.13N., R.67E., M.D.B.&M. The point of diversion is described as being within the SE1/4 NW1/4 Section 26, T.13N., R.67E., M.D.B.&M.<sup>1</sup>

Application 35633 was filed July 17, 1978 by Richard M. Swallow and Vesta C. Swallow (H. & W.) to appropriate 1.45 c.f.s. of water from an underground source for Irrigation & Domestic purposes within the W1/2 NW1/4, portion of SE1/4 NW1/4 of Section 26, the N1/2 NE1/4, SW1/4 NE1/4 of Section 27 and the NE1/4 of Section 34, T.13N., R.67E., M.D.B.&M. The point of diversion is described as being within the SE1/4 NW1/4 Section 26, T.13N., R.67E., M.D.B.&M.<sup>1</sup>

Application 35634 was filed on July 17, 1978 by Richard M. Swallow and Vesta C. Swallow (H. & W.) to appropriate 2.7 c.f.s. of water from an underground source for Irrigation & Domestic purposes within the W1/2 NW1/4, portion of the SE1/4 NW1/4 of Section 26, N1/2 NE1/4, SW1/4 NE1/4 of Section 27, and the NE1/4 of Section 34, T.13N., R.67E., M.D.B.&M. The point of diversion is described as being within the SE1/4 NW1/4 Section 26, T.13N., R.67E., M.D.B.&M.<sup>1</sup>

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<sup>1</sup> Public record in the office of the State Engineer.

Application 51564 was filed on November 17, 1987 by Richard M. Swallow and Vesta C. Swallow to appropriate 1.45 c.f.s. of water from an underground source for Irrigation and Domestic purposes within the NE1/4, E1/2 SE1/4 Section 27, W1/2 NW1/4, SE1/4 NW1/4, SW1/4 of Section 26, and the NE1/4 of Section 34, T.13N., R.67E., M.D.B.&M. The point of diversion is described as being within the SE1/4 NW1/4 Section 26, T.13N., R.67E., M.D.B.&M.<sup>1</sup>

Application 51565 was filed on November 17, 1987 by Richard M. Swallow to appropriate 0.027 c.f.s. for Irrigation and Domestic purposes within the NE1/4, E1/2 SE1/4 Section 27, W1/2 NW1/4, SE1/4 NW1/4, SW1/4 of Section 26, and the NE1/4 of Section 34, T.13N., R.67E., M.D.B.&M. The point of diversion is described as being within the SE1/4 NE1/4 Section 34, T.13N., R.67E., M.D.B.&M.<sup>1</sup>

Application 51566 was filed on November 17, 1987 by Richard M. Swallow and Vesta C. Swallow to appropriate 2.34 c.f.s. of water from an underground source for Irrigation and Domestic purposes within the NE1/4, E1/2 SE1/4 Section 27, W1/2 NW1/4, SE1/4 NW1/4, SW1/4 of Section 26 and the NE1/4 of Section 34, T.13N., R.67E., M.D.B.&M. The point of diversion is described as being within the SW1/4 SE1/4 of Section 26, T.13N., R.67E., M.D.B.&M.<sup>1</sup>

Application 51567 was filed on November 17, 1987 by Richard M. Swallow and Vesta C. Swallow to appropriate 1.89 c.f.s. of water from an underground source for Irrigation and Domestic purposes within the NE1/4, E1/2 SE1/4 Section 27, W1/2 NW1/4, SE1/4 NW1/4, SW1/4 of Section 26, and the NE1/4 of Section 34, T.13N., R.67E., M.D.B.&M. The point of diversion is described as being within the SE1/4 NW1/4 of Section 26, T.13N., R.67E., M.D.B.&M.<sup>1</sup>

FINDINGS OF FACT

I.

The applicant was notified by mail on March 11, 1988 to submit additional information to the State Engineer's office, specifically, resolution regarding land status and ownership. To date no response has been received from the applicant by the office of the State Engineer.<sup>1</sup>

II.

The applicant was again notified by certified mail on July 22, 1988, to submit additional information requested by the State Engineer's office. The return receipt was received from the applicant on July 27, 1988. Kenneth L. Haskew, acting on behalf of the applicant was notified by certified mail on July 22, 1988, as well. The return receipt was received July 27, 1988. To date the information requested has not been received.<sup>1</sup>

CONCLUSIONS

I.

The State Engineer has jurisdiction of 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 guard the public interest properly.<sup>3</sup>

III.

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

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2 NRS Chapters 533 and 534.

3 NRS 533.375.

4 NRS 533.370(3).

- A. There is no unappropriated water at the proposed source, or
- B. The proposed use conflicts with existing rights, or
- C. The proposed use threatens to prove detrimental to the public interest.

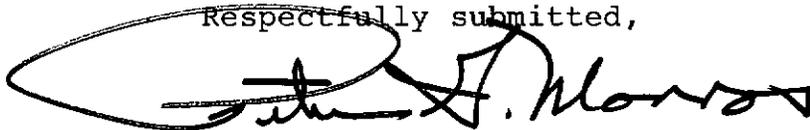
**IV.**

The applicant has failed, to date, to submit the information requested by the State Engineer's office. Therefore sufficient information is not available to the State Engineer to guard the public interest properly.

**RULING**

Applications 35632, 35633, 35634, 51564, 51565, 51566 and 51567 are herewith denied on the grounds that the applicant has not submitted the information requested by the State Engineer's office and therefore the granting of said applications without the additional information requested would not be in the public interest.

Respectfully submitted,



Peter G. Morros  
State Engineer

PGM/MM/pm

Dated this 8th day of  
January, 1990