

**IN THE OFFICE OF THE STATE ENGINEER**

IN THE MATTER OF APPLICATION 45274)  
FILED TO CHANGE THE POINT OF)  
DIVERSION AND PLACE OF USE OF A)  
PORTION OF THE PUBLIC WATERS OF AN)  
UNDERGROUND SOURCE HERETOFORE)  
APPROPRIATED UNDER PERMIT 17657 IN)  
THE AMARGOSA DESERT GROUNDWATER)  
BASIN IN NYE COUNTY, NEVADA. )

**RULING**

**GENERAL**

Application 45274 was filed on February 2, 1982, by Joel B. and Katherine Strickland to change the point of diversion and place of use of a portion of permit 17657, being 0.08 c.f.s. of water for irrigation and domestic purposes within the SW1/4 NW1/4, NW1/4 NW1/4, Section 15, T.16S., R.48E., M.D.B.&M. The proposed point of diversion is described as being within the SW1/4 NW1/4, Section 15, T.16S., R.48E., M.D.B.&M.<sup>1</sup>

**FINDINGS OF FACT**

I.

The applicant was notified by certified mail on January 12, 1983, to submit additional information to the State Engineer's office regarding owner of record - specifically, submittal of deeds or other information. The return receipt was received from the addressee on January 17, 1983. To date the information requested has not been received from the applicant.<sup>1</sup>

II.

The applicant was again notified by certified mail on October 20, 1986, to submit the additional information requested by the State Engineer's office. The return receipt was received from the addressee on October 22, 1986. The letter assigned a thirty day time limit to file the required information. To date the information requested has not been received from the applicant.<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>

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<sup>1</sup> Public record in the office of the State Engineer.  
<sup>2</sup> NRS Chapters 533 and 534.

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 change the public waters where:<sup>4</sup>

- A. The proposed use conflicts with existing rights, or
- B. 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

Application 45274 is 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 application without the additional information requested would not be in the public interest.

Respectfully submitted,



Peter G. Morros  
State Engineer

PGM/TC/bk

Dated this 25th day of

March, 1988.

<sup>3</sup> NRS 533.375.

<sup>4</sup> NRS 533.370(3).