

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

IN THE MATTER OF APPLICATION 51633)
FILED TO CHANGE THE PLACE OF USE OF)
AN UNDERGROUND SOURCE WITHIN THE)
PAHRUMP VALLEY GROUNDWATER BASIN)
(162), NYE COUNTY, NEVADA.)

RULING

4299

GENERAL

I.

Application 51633 was filed on December 16, 1987, by Gerald H. Allison and Virginia A. Allison to change the place of use of 0.7 cubic feet per second of water previously appropriated under Permit 21147 for irrigation purposes within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ and the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 36, T.21S., R.53E., M.D.B.&M. The point of diversion and the manner of use remain unchanged, with the point of diversion being described as located within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 36, T.21S., R.53E., M.D.B.&M.¹

FINDINGS OF FACT

I.

On December 1, 1995, the applicants and their agent were notified by certified mail to advise the State Engineer if the applicants were still interested in processing Application 51633. The applicants were advised that failure to respond within 30 days would result in denial of the application. The return receipt for the certified mailing to the applicants indicates the letter was received by the applicants on December 4, 1995. The certified mailing to the applicant's agent was returned by the United States Postal Service labeled "Returned to Sender-Unclaimed".¹ The State Engineer finds no response was received to this request for additional information.

¹ File No. 51633, official records of the Office of the State Engineer.

II.

The State Engineer finds that it is the responsibility of the agent or the successor in interest to keep this office informed of a current mailing address.

III.

The State Engineer finds that the applicant and his agent were properly notified of the request for additional information and failed to respond.¹

CONCLUSIONS

I.

The State Engineer has jurisdiction over the subject matter of this action and determination.²

II.

Before either approving or rejecting an application, the State Engineer may require such additional information from the current owner of record as will enable him to properly guard the public interest.³

III.

The State Engineer is prohibited by law from granting a change application where:⁴

- A. The proposed use conflicts with existing rights, or
- B. The proposed use threatens to prove detrimental to the public interest.

IV.

The applicants have failed to submit the information requested to the State Engineer's Office. The State Engineer concludes that without the requested information sufficient information is not available for the State Engineer to properly guard the public interest.

² NRS Chapters 533 and 534.

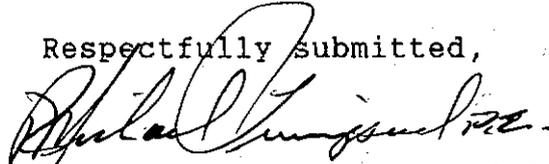
³ NRS 533.375.

⁴ NRS 533.370(3).

RULING

Application 51633 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 granting of the application would be detrimental to the public interest.

Respectfully submitted,



R. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/RAD/ab

Dated this 6th day of
February, 1996.