

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

IN THE MATTER OF APPLICATION 529 )  
FILED TO APPROPRIATE THE PUBLIC )  
WATERS OF AN UNDERGROUND SOURCE )  
WITHIN THE BLACK ROCK DESERT )  
GROUNDWATER BASIN (28), PERSHING )  
COUNTY, NEVADA. )

RULING

# 4328

GENERAL

I.

Application 529 was filed on June 10, 1907, by G.H. Phillips, R. Tidwell, F.N. Sanford and C.L. Clark to appropriate 10 cubic feet per second of water from an underground source within the Black Rock Desert Groundwater Basin for mining, milling, and domestic purposes within the towns of Goldbud and Rosebud and to the mines and mills of Rosebud Mining District. The point of diversion is described as being located at wells in Monumental Canyon above Goldbud. A specific legal description of the location of the point of diversion was not given.<sup>1</sup>

FINDINGS OF FACT

I.

The present State Engineer is uncertain as to why the application was never processed in 1907. The State Engineer finds that it is in the public interest to get stale applications off the records of the State Engineer as pending applications.

II.

By certified mail, dated May 1, 1995, sent to the only address on file in the Office of the State Engineer, the applicant was requested to submit additional information to the State Engineer's Office regarding the use of the water as envisioned under the application. The letter requested the applicant respond

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<sup>1</sup> File No. 529, official records of the Office of the State Engineer.

within 30 days indicating an interest in pursuing the application; otherwise, the State Engineer would consider the application for denial.<sup>1</sup>

The letter was returned by the United States Postal Service labelled "Returned for Better Address."<sup>1</sup> It is the responsibility of the applicant or his successor in interest to keep this office informed of a current mailing address. The State Engineer finds that he does not have the necessary information to process Application 529 and has no way of locating the original applicant, and that the application needs to be processed to denial.

#### CONCLUSIONS

##### I.

The State Engineer has jurisdiction over 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 a permit under an application to appropriate the public waters where:<sup>4</sup>

- 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 State Engineer concludes that sufficient information is not available to properly guard the public interest.

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

<sup>3</sup> NRS 533.375.

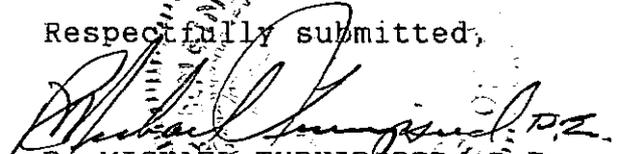
<sup>4</sup> NRS 533.370(3).

Ruling  
Page 3

RULING

Application 529 is hereby denied.

Respectfully submitted,

  
R. MICHAEL TURNIPSEED, P.E.  
State Engineer

RMT/DJL/ab

Dated this 24th day of  
April, 1996.