

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

IN THE MATTER OF APPLICATION 57398)
FILED TO CHANGE THE PLACE OF USE AND)
MANNER OF USE OF AN UNDERGROUND SOURCE))
WITHIN THE GARDEN VALLEY GROUNDWATER)
BASIN (172), NYE COUNTY, NEVADA.)

RULING

#4330

GENERAL

I.

Application 57398 was filed on April 3, 1992, by Lynn C. Wadsworth to change the place of use and manner of use of 2.7 cubic feet per second of water previously appropriated under Permit 38595 for irrigation purposes within the W $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 19 and the NW $\frac{1}{4}$ NW $\frac{1}{4}$ and the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 30, T.3N., R.58E., M.D.B.&M.¹ The point of diversion remains unchanged, with the point of diversion being described as located within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 30, T.3N., R.58E., M.D.B.&M.¹

FINDINGS OF FACT

I.

On January 4, 1996, the applicant and his agent were notified by certified mail to submit additional information to the State Engineer pertaining to Application 57398. The applicant was advised that failure to respond within 30 days may result in denial of the application. The endorsed return receipts for the certified mailings to the applicant and his agent were received in the Office of the State Engineer on January 10, 1996. The State Engineer finds no response was received to the request for additional information.¹

¹ File No. 57398, official records of the Office of the State Engineer.

II.

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 applicant has 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.

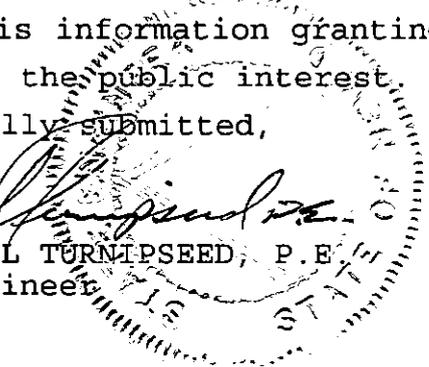
⁴ NRS 533.370(3).

RULING

Application 57398 is hereby denied on the grounds that the applicant has 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 26th day of
APRIL, 1996.