

IN THE OFFICE OF STATE ENGINEER
OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION 63278)
FILED TO APPROPRIATE THE PUBLIC)
WATERS OF AN UNDERGROUND SOURCE)
WITHIN THE PARADISE VALLEY)
GROUNDWATER BASIN (069), HUMBOLDT)
COUNTY, NEVADA.)

RULING

4739

GENERAL

I.

Application 63278 was filed on July 25, 1997, by Seth Thomas Bidegary and Thomas Bidegary to appropriate 0.50 cubic feet per second of underground water for quasi-municipal purposes within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 25, T.42N., R.39E., M.D.B.&M. The proposed point of diversion is described as being located within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 25.¹

FINDINGS OF FACT

I.

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.²

II.

The applicants and their agent were notified by certified mail dated March 11, 1999, to submit additional justification data and information to the State Engineer's office concerning the annual consumptive use of water under Application 63278. A 30 day time limit was assigned for the submittal of a response, with the caution that a failure to provide the necessary information within

¹ File No. 63278, official records in the office of the State Engineer.

² NRS § 533.375.

30 days from the date of the letter would result in Application 63278 being subject to denial. Properly endorsed return receipts for the certified mailings were received in the office of the State Engineer on March 16 and 17, 1999, respectively.¹ The State Engineer finds that the applicants were properly noticed of the need to provide additional information, but have failed to do so, therefore, Application 63278 can be considered for denial.

CONCLUSIONS

I.

The State Engineer has jurisdiction over the parties and the subject matter of this action and determination.³

II.

The State Engineer is prohibited by law from granting an application to appropriate the public waters where:⁴

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

III.

The applicants and their agent were properly notified of the requirement for additional information concerning this application and have failed to submit the information to the State Engineer's office. The State Engineer concludes that without the information

³ NRS Chapters 533 and 534.

⁴ NRS § 533.370(3).

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requested sufficient information is not available for the State Engineer to properly guard the public interest.

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Application 63278 is hereby denied on the grounds that the applicants have failed to submit the data and information requested by the State Engineer's office and without this information the granting of the application would be detrimental to the public interest.

Respectfully submitted,


R. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/MDB/cl

Dated this 2nd day of

June, 1999.