

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

IN THE MATTER OF APPLICATION 37939)
FILED TO APPROPRIATE THE PUBLIC)
WATERS OF AN UNDERGROUND SOURCE)
WITHIN THE PUMPERNICKEL VALLEY)
GROUNDWATER BASIN (065), HUMBOLDT)
COUNTY, NEVADA.)

RULING

4841

GENERAL

I.

Application 37939 was filed on April 17, 1979, by Milo A. Jacobsen to appropriate 8.0 cubic feet per second of water from an underground source for irrigation and domestic purposes within 480 acres of land located within the S $\frac{1}{2}$ NW $\frac{1}{4}$ and the SW $\frac{1}{4}$ of Section 35, T.34N., R.40E., M.D.B.&M., the NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ and the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 2, T.33N., R.40E., M.D.B.&M. The proposed point of diversion is described as being located within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 2.¹

FINDINGS OF FACT

I.

By letter dated October 19, 1999, the applicant was requested by the office of the State Engineer to provide evidence of a continued interest in pursuing Application 37939. The applicant was allowed thirty days from the date of the letter to submit the requested information to the State Engineer's office with the caution that a failure to timely do so would result in the denial of Application 37939. A properly endorsed receipt for the certified notice to the applicant was timely received in the office of the State Engineer. To this date, no information regarding this matter has been received in the State Engineer's office.¹ The State Engineer finds that the applicant has been

¹ File No. 37939, official records in the office of the State Engineer.

properly noticed at his correct address of the need to provide evidence of a continued interest in pursuing Application 37939.

CONCLUSIONS

I.

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

II.

The State Engineer is prohibited by law from granting an application to appropriate the public waters where:³

- 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 applicant was requested by the State Engineer to provide additional information relating to any continued interest that he may have in pursuing Application 37939. The State Engineer also cautioned the applicant that a failure to timely submit this information would result in the denial of the application. To this date, no information relevant to this matter has been received in the office of the State Engineer. The State Engineer concludes that to approve an application in which the applicant has no further interest in pursuing would threaten to prove detrimental to the public interest.

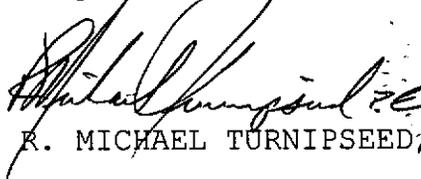
² NRS Chapters 533 and 534.

³ NRS § 533.370(3).

RULING

Application 37939 is hereby denied on the grounds that the applicant has failed to provide additional information to the State Engineer and that its approval would threaten to prove detrimental to the public interest.

Respectfully submitted,



R. MICHAEL TURNIPSEED, P.E.

State Engineer

RMT/MDB/cl

Dated this 21st day of
January, 2000.