

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

IN THE MATTER OF APPLICATION 64539     )  
FILED TO APPROPRIATE THE PUBLIC        )  
WATERS OF AN UNDERGROUND SOURCE     )  
WITHIN STEPTOE VALLEY GROUNDWATER    )  
BASIN (179), WHITE PINE COUNTY, NEVADA.)

**RULING**  
**# 4847**

**GENERAL**

**I.**

Application 64539 was filed on October 19, 1998, by Laura S. Rainey and Fred A. Carpenter to appropriate 0.1 cubic feet per second of water from an underground source for quasi-municipal purposes within a portion of the NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 35, T.16N., R63E., M.D.B.&M. The proposed point of diversion is described as being located within the NE $\frac{1}{4}$  NW $\frac{1}{4}$  of said Section 35.<sup>1</sup>

**FINDINGS OF FACT**

**I.**

The applicants' agent was notified by certified mail on dated June 25, 1999, that additional information was needed regarding Application 64539. The applicants and their agent were again notified by certified mail dated September 2, 1999, of the need for additional information. The return receipts for those certified letters were received in the office of the State Engineer. Both the June 25, 1999, and September 2, 1999 letters established a 30-day time frame in which to submit additional information and that failure to respond may result in the denial of Application 64539. The State Engineer finds that to date the information requested has not been received.<sup>1</sup>

**II.**

The State Engineer finds that the applicants were properly notified of the request for additional information and failed to respond.<sup>1</sup>

**CONCLUSIONS**

**I.**

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

<sup>1</sup> File No. 64539, official records in the office of the State Engineer.

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

**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 an application to appropriate the public waters where:<sup>4</sup>

- 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.

**IV.**

The applicant was properly notified of the requirement for additional information concerning this application and has failed to submit the information to the State Engineer's office. The State Engineer concludes that without the information requested sufficient information is not available for the State Engineer to properly guard the public interest.

**RULING**

Application 64539 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 the granting of the application would threaten to prove detrimental to the public interest.

Respectfully submitted,



R. MICHAEL TURNIPSEED, P.E.  
State Engineer

RMT/RAD/cl

Dated this 28th day of  
January, 2000.

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<sup>3</sup> NRS § 533.375.

<sup>4</sup> NRS § 533.370(3).