

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

IN THE MATTER OF APPLICATION 33873)
FILED TO APPROPRIATE THE PUBLIC)
WATERS OF AN UNDERGROUND SOURCE)
WITHIN THE ANTELOPE VALLEY)
GROUNDWATER BASIN (106), DOUGLAS)
COUNTY, NEVADA.)

RULING

4849

GENERAL

I.

Application 33873 was filed on September 29, 1977, by Louise L. Dillard to appropriate 2.7 cubic feet per second (cfs) of water from an underground source for irrigation and domestic purposes within 160 acres of land located within the SE $\frac{1}{4}$ of Section 19, T.10N., R.22E., M.D.B.&M. The proposed point of diversion is described as being located within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 19.¹

FINDINGS OF FACT

I.

By letter dated August 18, 1999, the applicant was requested by the office of the State Engineer to provide evidence of a continued interest in pursuing Application 33873. 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 her failure to timely do so would result in the denial of Application 33873. The envelope containing the certified notice to the applicant was returned to the office of the State Engineer on October 15, 1999, marked within the notation "Unclaimed". The State Engineer finds that the applicant has been properly noticed at her correct address of record of the need to provide evidence of a continued interest in Application 33873.

¹ File No. 33873, official records in the office of the State Engineer.

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 demonstrating a continued interest in pursuing Application 33873. The State Engineer also cautioned the applicant that a failure to timely submit this information would result in the denial of her 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.

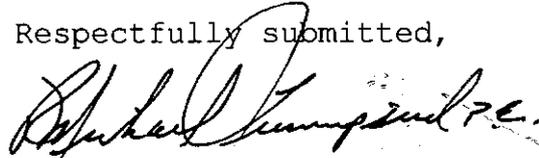
² NRS Chapters 533 and 534.

³ NRS § 533.370(3).

RULING

Application 33873 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 2nd day of
February, 2000.