

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

IN THE MATTER OF APPLICATION 26438)
FILED TO APROPRIATE THE PUBLIC)
WATERS OF MINNEHAHA CREEK SPRING)
WITHIN ANTELOPE VALLEY HYDROGRAPHIC)
BASIN (106), DOUGLAS COUNTY, NEVADA)

RULING

4912

GENERAL

I.

Application 26438 was filed on December 14, 1971, by John Arden to appropriate 0.05 cubic feet per second of water from Minnehaha Creek Spring for stock water and domestic purposes within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 28, T.11N., 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 28.¹

FINDINGS OF FACT

I.

The applicant and his agent were notified by certified mail dated August 18, 1999, that additional information was needed regarding Application 26438.¹ The return receipt from the certified letter to the applicant and his agent were received in the office of the State Engineer on August 20, 1999.¹ The State Engineer finds that to date the information requested has not been received.¹

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 parties and of the subject matter of this action and determination.²

¹ File No. 26438, official records in the office of the State Engineer.

² NRS chapter 533.

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.³

III.

The State Engineer is prohibited by law from granting a permit under 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.

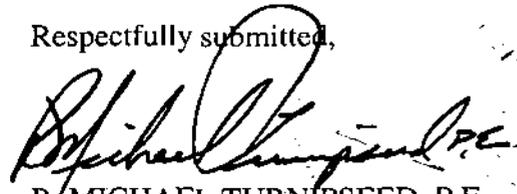
IV.

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

RULING

Application 26438 is hereby denied on the grounds that the applicant or his agent 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
April, 2000.

³ NRS § 533.375.

⁴ NRS § 533.370(3).