

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

IN THE MATTER OF APPLICATION 56395 )  
FILED TO APPROPRIATE THE PUBLIC )  
WATERS OF A SPRING LOCATED WITHIN )  
THE WHIRLWIND VALLEY HYDROGRAPHIC )  
BASIN (060), LANDER COUNTY, NEVADA )

RULING

# 5026

GENERAL

I.

Application 56395 was filed on May 31, 1991, by Teresa A. Sansinena to appropriate 0.01 cubic feet per second of water from a spring to water 200 cattle within the SE $\frac{1}{4}$  of Section 4, T.31N., R.47E., 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 Section 4, T.31N., R.47E., M.D.B.&M.<sup>1</sup>

FINDINGS OF FACT

I.

The applicant and her agent were notified by certified mail dated November 8, 2000, that additional information was needed regarding Application 56395. The return receipts from this certified letter to the applicant and her agent were received in the office of the State Engineer on November 16, 2000, and December 1, 2000, respectively.<sup>1</sup> The State Engineer finds that the applicant and her agent were properly notified of the request for additional information and failed to respond.

<sup>1</sup> File No. 56395, 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.<sup>2</sup>

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 a permit under an application to appropriate the public water 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 and her 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.

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<sup>2</sup> NRS chapter 533.

<sup>3</sup> NRS § 533.375.

<sup>4</sup> NRS § 533.370.

RULING

Application 56395 is hereby denied on the grounds that the applicant or her 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,



HUGH RICCI, P.E.  
State Engineer

HR/TW/hf

Dated this 29th day of  
May, 2001.