

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

IN THE MATTER OF APPLICATION
11666 FILED TO APPROPRIATE THE
PUBLIC WATERS OF A SPRING
SOURCE WITHIN THE PAHRANAGAT
VALLEY HYDROGRAPHIC BASIN
(209), LINCOLN COUNTY, NEVADA.

RULING

#5216

GENERAL

I.

Application 11666 was filed on August 16, 1946, by F. Lorin Bunker, to appropriate 0.10 cubic feet per second of water from Grapevine Spring for stockwatering and domestic purposes. The place of use is located within SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 35, T.5S., R.61E., M.D.B.&M. The point of diversion is described as being located within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 35.¹

FINDINGS OF FACT

I.

The applicant was notified by certified mail dated November 25, 2002, to advise this office in writing if the applicant was interested in pursuing Application 11666. The applicant was warned that failure to respond within 30 days would result in denial of the application. The certified letter was returned to the Office of the State Engineer by the United States Postal Service stamped "Returned To Sender".¹ To date, no information on this matter has been submitted to the State Engineer's Office. The State Engineer finds that the applicant was properly notified of the request for additional information regarding interest in pursuing Application 11666 and failed to respond.

II.

The State Engineer finds that it is the responsibility of the applicant and its agent, or their successor in interest, to keep this office informed of a current mailing address.

¹ File No. 11666, 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.

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 water where:⁴

- A. there is no unappropriated water at the proposed source;
- B. the proposed use or change conflicts with existing rights;
- C. the proposed use or change conflicts with protectible interests in existing domestic wells as set forth in NRS § 533.024; or
- D. the proposed use or change 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 the failure to express any interest in the application and failure to maintain a current address demonstrates the applicant's lack of interest in pursuing Application 11666. The State Engineer concludes it would threaten to prove detrimental to the public interest to issue a permit under an application for which no interest is expressed.

² NRS chapter 533.

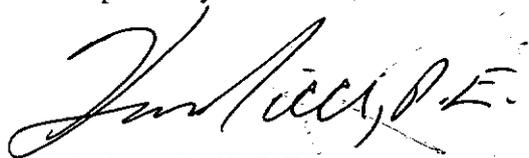
³ NRS § 533.375.

⁴ NRS § 533.370(3).

RULING

Application 11666 is hereby denied on the grounds its issuance would threaten to prove detrimental to the public interest. No ruling is made on the merits of the protest.

Respectfully submitted,



HUGH RICCI, P.E.
State Engineer

HR/TW/jm

Dated this 10th day of
February, 2003.