

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

IN THE MATTER OF APPLICATION 68307 )  
FILED TO APPROPRIATE THE PUBLIC )  
WATERS OF AN UNDERGROUND SOURCE )  
WITHIN THE PAHRUMP VALLEY )  
HYDROGRAPHIC BASIN (162), NYE )  
COUNTY, NEVADA. )

**RULING**

**#5304**

**GENERAL**

**I.**

Application 68307 was filed on December 13, 2001, by Richard Morrison and Matsue Morrison to appropriate 0.0032 cubic feet per second (1,800 gallons or less per day) from an underground source located within the Pahrump Valley Artesian Basin, Nye County, Nevada. The manner of use is for commercial purposes, more specifically, a bar and grill restaurant with living quarters, lawn, trees and plants all contained within the E $\frac{1}{2}$  E $\frac{1}{2}$ , NW $\frac{1}{4}$  NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 31, T.19S., R.53E., M.D.B.&M. The proposed point of diversion is described on the application as being located within the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of said Section 31.<sup>1</sup>

**FINDINGS OF FACT**

**I.**

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>2</sup>

**II.**

By letter dated May 15, 2002, the applicants of Application 68307 were requested to provide additional information regarding the estimated water usage under Application 68307. A Fixture Units form which is used to estimate the total water consumption was sent with the letter. A copy of the letter was also sent to the applicants' agent, Richard L. Hafen.

The State Engineer finds that no answer to this letter has been received.<sup>1</sup>

---

<sup>1</sup> File No. 68307, official records in the Office of the State Engineer.

<sup>2</sup> NRS § 533.375.

**III.**

By letter dated December 20, 2002, the applicants of Application 68307 were requested to provide an estimate of water usage under the application. A Fixture Units form was sent with the letter. A copy of the letter was also sent to the applicants' agent, Richard L. Hafen.

The State Engineer finds that no answer to this letter has been received.<sup>1</sup>

**IV.**

By certified mail dated April 18, 2003, the State Engineer's office again requested the applicants of Application 68307 to provide an estimate of their anticipated water usage. A copy of this letter was also sent by certified mail to the applicants' agent, Richard L. Hafen.

The certified mail sent to the applicants was returned marked "Unclaimed" by the U.S. Postal Service on May 15, 2003, and was resent by certified mail to a corrected address. This second certified mail was returned marked "Unclaimed" by the U.S. Postal Service on June 9, 2003.<sup>1</sup>

The State Engineer finds that there has been no response from the applicant or the applicants' agent regarding this matter.

**CONCLUSIONS**

**I.**

The State Engineer has jurisdiction over the parties and the subject matter of this action and determination.<sup>3</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>2</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 or change conflicts with existing rights;

---

<sup>3</sup> NRS chapters 533 and 534.

<sup>4</sup> NRS § 533.370(3).

- 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.

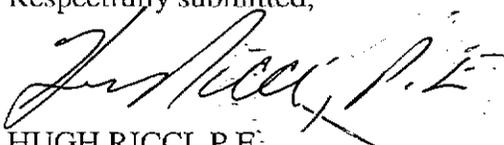
**IV.**

The applicants under Application 68307 and their agent were properly notified and requested to provide an estimate of water usage, which would assist in the processing of the application. The applicants and their agent failed to respond to the requests for this information. The State Engineer concludes that to grant a permit under Application 68307 without this information would threaten to prove detrimental to the public interest.

**RULING**

Application 68307 is hereby denied on the grounds that to grant a permit under this application would threaten to prove detrimental to the public interest.

Respectfully submitted,

  
HUGH RICCI, P.E.  
State Engineer

HR/CB/jm

Dated this 29th day  
of October 2003.