

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

IN THE MATTER OF APPLICATION )  
52861 FILED TO APPROPRIATE )  
THE PUBLIC WATERS OF AN )  
UNDERGROUND SOURCE WITHIN )  
THE BLACK ROCK DESERT )  
HYDROGRAPHIC BASIN (28), )  
HUMBOLDT COUNTY, NEVADA. )

**RULING**  
**# 5318**

**GENERAL**

**I.**

Application 52861 was filed on January 12, 1989, by Gaylene Sheehy, and later assigned to the Estate of Mabel Crofoot, to appropriate 1.0 cubic foot per second of water from an underground source for mining and domestic purposes. The place of use is described as being located within Sections 2, 3, and 4, T. 35N., R.30E., M.D.B.&M. and the Sections 33, 34, and 35, T.36N., R.30E., M.D.B.&M. The proposed point of diversion is described as being located within the NW¼ NE¼ of Section 3, T.35N., R.30E., M.D.B.&M.<sup>1</sup>

**FINDINGS OF FACT**

**I.**

The applicant was notified by certified mail dated May 16, 2003, to submit additional information regarding the mining operation to the State Engineer's Office. The applicant was warned that failure to respond within 60 days could result in denial of the application. The certified letter was returned to the Office of the State Engineer by the U.S. Postal Service stamped "Not Deliverable as Addressed, Unable to Forward".<sup>1</sup> To date, the applicant has expressed no interest in pursuing this application. The State Engineer finds that the applicant was properly notified of the request for additional information regarding interest in pursuing Application 52861 and failed to respond.

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<sup>1</sup> File No. 52861, official records in the Office of the State Engineer.

**II.**

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

**III.**

The State Engineer finds that there has been no correspondence from the applicant regarding Application 52861 for at least 14 years.<sup>1</sup>

**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 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 and has failed to submit the information to the Office of the State Engineer. The State Engineer concludes that the failure to express any interest in the application for over 14 years and failure to maintain a current address demonstrates the applicant's lack of interest in pursuing Application 52861. The State Engineer concludes it would threaten to prove detrimental to the public interest to issue a permit under these circumstances.

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<sup>2</sup> NRS chapters 533 and 534.

<sup>3</sup> NRS § 533.375.

<sup>4</sup> NRS § 533.370(3).

**RULING**

Application 52861 is hereby denied on the grounds its issuance would threaten to prove detrimental to the public interest.

Respectfully submitted,



HUGH RICCI, P.E.  
State Engineer

HR/TW/jm

Dated this 20th day  
of February, 2004.