

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

IN THE MATTER OF APPLICATIONS 49813)
AND 49814 FILED TO APROPRIATE THE)
PUBLIC WATERS OF A SURFACE WATER)
SOURCE WITHIN THE ANTELOPE VALLEY)
HYDROGRAPHIC BASIN (106), DOUGLAS)
COUNTY, NEVADA.)

RULING
5096

GENERAL

I.

Application 49813 was filed on April 4, 1986, by Charles W. and Teresa Dickerson to appropriate 0.5 cubic feet per second (cfs) of water from Dickerson Spring #2 for irrigation and domestic purposes within portions of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 18, T.10N., R.22E., M.D.B.&M. The proposed point of diversion is described as being located within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 18.¹

II.

Application 49814 was filed on April 4, 1986, by Charles W. and Teresa Dickerson to appropriate 0.5 cfs of water from Dickerson Spring #1 for irrigation and domestic purposes within portions of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 18, T.10N., R.22E., M.D.B.&M. The proposed point of diversion is described as being located within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 18.²

FINDINGS OF FACT

I.

The applicants and their agent were requested by certified mail dated March 31, 2000, to advise the office of the State Engineer if they were still interested in

¹ File No. 49813, official records in the Office of the State Engineer.

² File No. 49814, official records in the Office of the State Engineer.

pursuing Applications 49813 and 49814. The applicants and their agent were further warned that failure to respond within 30 days might result in denial of the applications. The return receipts from this certified letter were received in the Office of the State Engineer from the above two parties on April 3 and April 5, 2000, respectively. The State Engineer finds that the agent responded by letter dated April 5, 2000, that Thiel Engineering Consultants is no longer acting as agent for the applicants. The State Engineer also finds that the applicants failed to respond to the above certified letter.^{1,2}

II.

The State Engineer finds that the applicants and their agent were properly notified, and by failing to respond the State Engineer finds that they are not interested in pursuing Applications 49813 and 49814.^{1,2}

CONCLUSIONS

I.

The State Engineer has jurisdiction over the parties and the subject matter of this action and determination.³

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.⁴

III.

The State Engineer is prohibited by law from granting an application to appropriate the public waters where:⁵

- A. there is no unappropriated water at the proposed source;
- B. the proposed use conflicts with existing rights;

³ NRS chapter 533.

⁴ NRS § 533.375.

⁵ NRS § 533.370(3).

- C. the proposed use conflicts with protectible interests in existing domestic wells as set forth in NRS § 533.024; or
- D. the proposed use threatens to prove detrimental to the public interest.

IV.

The applicants and their agent were properly notified by certified mail and were requested to respond within 30 days of the date of the letter if they were still interested in pursuing Applications 49813 and 49814. The State Engineer concludes that the applicants' failure to respond affirms their lack of interest in continuing with the applications, and for the State Engineer to grant these applications would prove to be detrimental to the public interest.

RULING

Applications 49813 and 49814 are hereby denied on the grounds that the applicants and their 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/RD/jm

Dated this 10th day of
January, 2002.