

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

IN THE MATTER OF APPLICATION 42475 )  
FILED TO APPROPRIATE THE PUBLIC )  
WATERS OF AN UNDERGROUND SOURCE )  
WITHIN THE LOVELOCK VALLEY (OREANA )  
SUBAREA) HYDROGRAPHIC BASIN (073A), )  
PERSHING COUNTY, NEVADA. )

RULING

# 5110

GENERAL

I.

Application 42475 was filed on September 19, 1980, by Ferrel R. or Roderick J. Wilson to appropriate 0.5 cubic feet per second of water from Sacramento Canyon Creek and springs. The proposed manner and place of use is for mining, milling and domestic purposes within portions of Sections 25, 35 and 36, T.29N., R.33E., M.D.B.&M. The proposed point of diversion is described as being located within the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of said Section 35.<sup>1</sup>

FINDINGS OF FACT

I.

Application 42475 requests an appropriation of water for mining and milling purposes, but does not contain an estimate of the projects consumptive water loss. By certified letter dated September 27, 2000, the applicants and their agent were advised that before further consideration could be given towards the issuance of a permit, it would be necessary to submit updated justification and consumptive use data to the Office of the State Engineer. The applicants were also advised that a failure to submit this data within sixty days from the date of the letter would subject Application 42475 to possible denial. The envelope containing the notice to the applicants was returned to the Office

<sup>1</sup> File No. 42475, official records in the Office of the State Engineer.

of the State Engineer stamped "Undeliverable As Addressed", by the United States Postal Service. A properly endorsed receipt from one of the applicants' agent of record was also received. The State Engineer finds that the applicants have been properly noticed at their address of record of the need to provide additional information regarding Application 42475 and have failed to do so; therefore, Application 42475 can be considered for denial.

**II.**

To this date, no additional information has been received in the Office of the State Engineer regarding this matter.<sup>1</sup> The State Engineer finds that the applicants have failed to respond to the State Engineer's request for additional information; therefore, Application 42475 can be considered for denial.

**CONCLUSIONS**

**I.**

The State Engineer has jurisdiction over the parties and the subject matter of this action and determination.<sup>2</sup>

**II.**

The State Engineer is prohibited by law from granting an application to appropriate the public waters where:<sup>3</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.

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

<sup>3</sup> NRS § 533.370(3).

**III.**

The applicants were requested by the Office of the State Engineer on September 27, 2000, to provide evidence of a continued interest in Application 42475 and have failed to do so. The State Engineer concludes that the approval of a water right application that the applicants have no intention of completing would threaten to prove detrimental to the public interest.

**RULING**

Application 42475 is hereby denied on the grounds that its approval would threaten to prove detrimental to the public interest.

Respectfully submitted,



HUGH RICCI, P.E.  
State Engineer

HR/MB/jm

Dated this 7th day of  
March, 2002.