

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

IN THE MATTER OF APPLICATIONS)
28449, 29604, AND 29605 FILED TO)
APPROPRIATE THE PUBLIC WATERS OF)
AN UNDERGROUND SOURCE WITHIN THE)
SPRING VALLEY HYDROGRAPHIC BASIN)
(201), LINCOLN COUNTY, NEVADA.)

RULING

5724

GENERAL

I.

Application 28449 was filed on June 25, 1974, by Sylvia and later assigned to William T. and Kathie E. Coon, to appropriate 0.2 cubic feet per second of water from an un-named spring source within the Spring Valley Hydrographic Basin for irrigation purposes within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 17 and the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 20, all in T.5N., R.69E., M.D.B.&M. The proposed point of diversion is described as being located within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 17, T.5N., R.69E., M.D.B.&M.¹

II.

Application 29604 was filed on August 27, 1975, by Sylvia Tait, later assigned to William T. and Kathie E. Coon, to appropriate 2 cubic feet per second of water from Camp Creek and Tributaries within the Spring Valley Hydrographic Basin for irrigation purposes within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 17 and the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 20, all in T.5N., R.69E., M.D.B.&M. The proposed point of diversion is described as being located within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 17, T.5N., R.69E., M.D.B.&M.²

III.

Application 29605 was filed on August 27, 1975, by Sylvia Tait, later assigned to William T. and Kathie E. Coon, to change the manner and place of use of Application 28449 for 0.0223 cubic feet per second of water from an unnamed spring source within the Spring Valley Hydrographic Basin for stockwatering and domestic purposes within portions of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 17, T.5N.,

¹ File No. 28449, official records in the Office of the State Engineer.

² File No. 29604, official records in the Office of the State Engineer.

R.69E., M.D.B.&M. The proposed point of diversion is described as being located within the SW¼ SE¼ of Section 17, T.5N., R.69E., M.D.B.&M.³

IV.

Applications 28449 and 29604 were protested by Wayne Pearson on grounds not relevant to the decision.

FINDINGS OF FACT

I.

By certified letter dated January 4, 2006, the Office of the State Engineer requested that the Applicants provide information as to whether they still had an interest in pursuing the applications. The letter assigned a thirty-day time frame to submit the requested information or the application would be subject to denial. The letter sent to the applicants was returned to the Office of the State Engineer by the U.S. Postal Service stamped "Return to Sender Attempted Not Known," on January 27, 2006. The State Engineer finds that no response to the request for information was received.^{1,2,3} The State Engineer finds that the Applicants have not expressed an interest in pursuing these applications.

CONCLUSIONS

I.

The State Engineer has jurisdiction over the parties and the subject matter of this action and determination.⁴

II.

Before either approving or rejecting an application, the State Engineer may require such additional information from the applicant as will enable him to properly guard the public interest.⁵

III.

The State Engineer is prohibited by law from granting a permit under an application to appropriate the public waters

³ File No. 29605, official records in the Office of the State Engineer.

⁴ NRS chapter 533.

⁵ NRS § 533.375.

where:⁶

- 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.

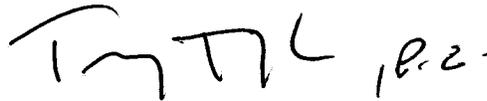
IV.

The Applicants have failed to submit the information requested to the State Engineer's office. The State Engineer concludes that without the additional data sufficient information is not available to properly guard the public interest. The State Engineer concludes to grant a water right to an applicant that does not express an intent to go forward with the project would threaten to prove detrimental to the public interest.

RULING

Applications 28449, 29604, and 29605 are hereby denied on the grounds that the Applicants have not submitted the information requested by the State Engineer's office, and that without this information granting of the applications would threaten to prove detrimental to the public interest. No ruling is made on the merits of the protest.

Respectfully submitted,



TRACY TAYLOR, P.E.
State Engineer

TT/MJW/jm

Dated this 13th day of
March, 2007.

⁶ NRS § 533.370(5).