

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

IN THE MATTER OF APPLICATIONS 46112 )  
AND 46113 FILED TO APPROPRIATE THE )  
PUBLIC WATERS OF AN UNDERGROUND )  
SOURCE WITHIN THE THOUSAND SPRINGS )  
VALLEY HYDROGRAPHIC BASIN (189D), )  
ELKO COUNTY, NEVADA. )

RULING

**#5776**

GENERAL

I.

Application 46112 was filed on September 3, 1982, by Don E. and Norma L. McBride to appropriate 3.4 cubic feet per second (cfs) of water from an underground source within the Thousand Springs Valley Hydrographic Basin for irrigation and domestic purposes within the S $\frac{1}{2}$  NW $\frac{1}{4}$ , N $\frac{1}{2}$  SW $\frac{1}{4}$ , and the SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 30, T.40N., R.70E., M.D.B.&M. The proposed point of diversion is described as being located within the NW $\frac{1}{4}$  SW $\frac{1}{4}$  of said Section 30.<sup>1</sup> This application was filed to support Desert Land Entry Application NVN 03716901.

II.

Application 46113 was filed on September 3, 1982, by Don E. and Norma L. McBride to appropriate 3.4 cfs of water from an underground source within the Thousand Springs Valley Hydrographic Basin for irrigation and domestic purposes within the S $\frac{1}{2}$  NW $\frac{1}{4}$ , N $\frac{1}{2}$  SW $\frac{1}{4}$ , and the SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 30, T.40N., R.70E., 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 30.<sup>2</sup> This application was filed to support Desert Land Entry Application NVN 03716901.

FINDINGS OF FACT

I.

Before either approving or rejecting an application, the State Engineer may require such additional information from the

---

<sup>1</sup> File No. 46112, official records in the Office of the State Engineer.

<sup>2</sup> File No. 46113, official records in the Office of the State Engineer.

applicant as will enable him to properly guard the public interest.<sup>3</sup>

By certified letter dated January 10, 2006, the Office of the State Engineer requested the Applicants to provide information as to whether there was still an interest in pursuing the applications. The letter assigned a 30-day time frame to submit the requested information or the applications would be subject to denial. The certified letter to the Applicants was returned to the Office of the State Engineer on January 17, 2006, by the United States Postal Service stamped "Both Deceased". The State Engineer finds the Applicants have not expressed an interest in pursuing the subject applications in the 24 years that have passed since their filing. The State Engineer also finds that no response was received to the request for information.<sup>1</sup>

#### CONCLUSIONS

##### I.

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

##### II.

The State Engineer is prohibited by law from granting a permit under an application to appropriate the public waters where:<sup>5</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.

---

<sup>3</sup> NRS § 533.375.

<sup>4</sup> NRS chapters 533 and 534.

<sup>5</sup> NRS § 533.370(5).

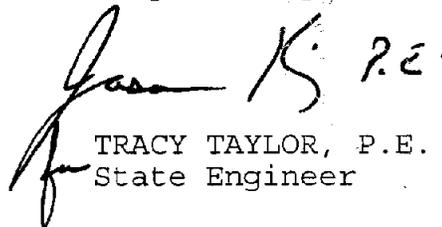
**III.**

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 applicants that have not expressed an intent to go forward with the project would threaten to prove detrimental to the public interest.

**RULING**

Applications 46112 and 46113 are hereby denied on the grounds that the Applicants have not submitted the data and 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.

Respectfully submitted,

 P.E.  
TRACY TAYLOR, P.E.  
State Engineer

TT/KMH/jm

Dated this 6th day of  
September, 2007.