

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

IN THE MATTER OF APPLICATION 25381 )  
FILED TO APPROPRIATE THE PUBLIC )  
WATERS OF A SURFACE WATER SOURCE )  
WITHIN THE PLEASANT VALLEY )  
HYDROGRAPHIC BASIN (130), PERSHING )  
COUNTY, NEVADA. )

RULING

**# 5566**

GENERAL

I.

Application 25381 was filed on December 8, 1969, by Chet Meyer and later assigned to Robert C. and Diana L. Vesco to appropriate 5.0 cubic feet per second of surface water from the Pleasant Valley Hydrographic Basin, Pershing County, Nevada. The proposed manner of use is for irrigation and domestic purposes within Lots 2 and 3 of Section 5, T.28N., R.39E., M.D.B.&M. The proposed point of diversion is described as being located within the SW¼ SE¼ of Section 4, T.28N., R.39E., M.D.B.&M.<sup>1</sup>

II.

Application 25381 was timely protested by Manual Chabagno on grounds that are not relevant to the issue being addressed in this ruling.

FINDINGS OF FACT

I.

By letter dated January 31, 1974, Robert C. and Diana L. Vesco's agent informed the Office of the State Engineer that they had purchased the former Meyer Ranch. Enclosed with the letter was a Grant, Bargain and Sale deed that included Application 25381 as part of the ranch sale. Filing fees for the deed were received on February 25, 1974, however, no assignment of ownership was made at that time. A recent review of the deed concluded with the assignment of Application 25381 to Robert C. and Diana L. Vesco.<sup>1</sup>

<sup>1</sup> File No. 25381, official records in the Office of the State Engineer.

The State Engineer finds that the current owners of record of Application 25381 are Robert C. and Diana L. Vesco.

**II.**

By certified letter dated January 4, 2005, the applicants were requested by the Office of the State Engineer to submit written evidence of a continued interest in Application 25381. The applicants were advised that a response to this request must be received in the Office of the State Engineer within thirty days from the date of the January 4, 2005, certified letter. The applicants were also advised that a failure to respond within this allotted time period would result in the denial of Application 25381. A properly endorsed certified mail receipt was received in the Office of the State Engineer on January 10, 2005. To date, no response has been received from the applicants. The State Engineer finds that the applicants were properly noticed at their correct address of record of the need to provide written evidence of a continued interest in the subject application, but have failed to do so; therefore, Application 25381 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.**

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 an application to appropriate the public waters where:<sup>4</sup>

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

---

<sup>2</sup> NRS chapter 533.

<sup>3</sup> NRS § 533.375.

<sup>4</sup> NRS § 533.370(4).

- 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.

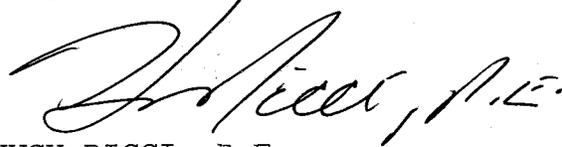
IV.

The applicants were properly notified of the requirement for additional information relating to Application 25381. This request was made with the understanding that a failure to respond in a timely manner would represent a lack of interest on the applicant's part in pursuing the subject application. To this date, no response regarding this matter has been received in the Office of the State Engineer. The State Engineer concludes that the approval of an application, that the applicants have not expressed an interest in pursuing, would threaten to prove detrimental to the public interest.

RULING

Application 25381 is hereby denied on the grounds that its issuance would threaten to prove detrimental to the public interest. No ruling is made on the merits of the protest.

Respectfully submitted,



HUGH RICCI, P.E.  
State Engineer

HR/WHR/jm

Dated this 9th day of  
February, 2006.