

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

IN THE MATTER OF APPLICATION)
65445 FILED TO APPROPRIATE THE)
PUBLIC WATERS OF AN UNDERGROUND)
SOURCE WITHIN THE SPRING VALLEY)
HYDROGRAPHIC BASIN (184), WHITE)
PINE COUNTY, NEVADA.)

RULING

#5717

GENERAL

I.

Application 65445 was filed on August 18, 1999, by Matthew S. Hitch to appropriate 1,280 acre-feet annually of water from an underground source within the Spring Valley Hydrographic Basin, for irrigation purposes within the E $\frac{1}{2}$ of Section 6, T.10N. R.67E., M.D.B.&M. The proposed point of diversion is described as being located within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 6, T.10N., R.67E., M.D.B.&M.¹

II.

Application 65440 was timely protested by El Tejon Cattle Company, Lyman E. Huntsman, the United States Department of Interior, National Park Service and Las Vegas Valley Water District on grounds not to be considered in this ruling.

FINDINGS OF FACT

I.

By certified letter dated January 19, 2006, the Office of the State Engineer requested the Applicant to provide information as to whether there was still an interest in pursuing the application. The signed certified letter receipt was returned by the United States Postal Service and received in the Office of the State Engineer on February 17, 2006. The letter assigned a 30-day time frame to submit the requested information or the application would be subject to denial. The State Engineer finds the Applicant has not expressed an interest in pursuing this

¹ File No. 65445, official records in the Office of the State Engineer.

application in 7 years, and that no correspondence has been received from the Applicant during this time. In addition, the State Engineer finds that no response was received to the request for information.¹

CONCLUSIONS

I.

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

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.³

III.

The State Engineer is prohibited by law from granting a permit under an application to appropriate the public waters where:⁴

- 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 Applicant has 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.

² NRS chapters 533 and 534.

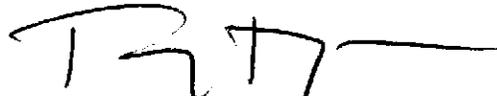
³ NRS § 533.375.

⁴ NRS § 533.370(5).

RULING

Application 65445 is hereby denied on the grounds that the Applicant has not submitted the data and information requested by the State Engineer's office, and that without this information granting of the application would threaten to prove detrimental to the public interest.

Respectfully submitted,



TRACY TAYLOR, P.E.
State Engineer

TT/KMH/jm

Dated this 15th day of
February, 2007.