

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

IN THE MATTER OF)
APPLICATION 46745 FILED)
TO APPROPRIATE THE PUBLIC)
WATERS OF MONROE CANYON)
WITHIN THE DIAMOND VALLEY)
HYDROGRAPHIC BASIN (153),)
EUREKA COUNTY, NEVADA.)

RULING

#5775

GENERAL

I.

Application 46745 was filed on March 18, 1983, by Chaney Associates to appropriate 5.4 cubic feet per second of water from Monroe Canyon within the Diamond Valley Hydrographic Basin, for irrigation and domestic purposes within the W½ E½ and the E½ W½ of Section 27, T.22N., R.54E., M.D.B.&M. The proposed point of diversion is described as being located within the NW¼ SE¼ of Section 23, T.22N., R.54E., M.D.B.&M.¹

FINDINGS OF FACT

I.

By certified letter dated January 27, 2006, to the applicant and agent the Office of the State Engineer requested information as to whether there was still an interest in pursuing the application. The letter to the Applicant was returned by the U.S. Postal Service stamped, "No Such Number." The Applicant's agent informed the Office of the State Engineer that he has retired from water right surveying effective January 1, 2006. To date, there has been no response to the request for additional information. In addition, there has been no correspondence from the Applicant for over 26 years.

The State Engineer finds that the Applicant has failed to submit the requested information and has failed to express any interest in pursuing Application 46745.

¹ File No. 46745, official records in the Office of the State Engineer.

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.

RULING

Application 46745 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

² NRS chapters 533 and 534.

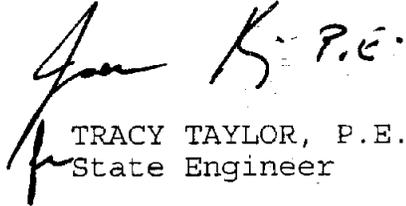
³ NRS § 533.375.

⁴ NRS § 533.370(5).

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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 6th day of
September, 2007.