

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

IN THE MATTER OF APPLICATION)
49824 FILED TO APPROPRIATE THE)
PUBLIC WATERS OF WATER CANYON)
WITHIN THE DIAMOND VALLEY)
HYDROGRAPHIC BASIN (153), EUREKA)
COUNTY, NEVADA.)

RULING

#5802

GENERAL

I.

Application 49824 was filed on April 14, 1986, by Ronald C. Chaney to appropriate 5.0 cubic feet per second of water from Water Canyon within the Diamond Valley Hydrographic Basin, Eureka County, Nevada, for irrigation and domestic purposes within the W $\frac{1}{2}$ of Section 34, T.21 $\frac{1}{2}$ N., R.54E., 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 25, T.22N., R.54E.¹

FINDINGS OF FACT

I.

By certified letter dated February 6, 2006, to the Applicant and agent the Office of the State Engineer requested that the Applicant provide information as to whether there was still an interest in pursuing the application. The signed certified letter receipt to the Applicant was returned by the United States Postal Service and was received in the Office of the State Engineer on February 14, 2006. The signed certified letter receipt to the agent was returned by the United States Postal Service and was received in the Office of the State Engineer on February 8, 2006. The State Engineer finds that the Applicant has not expressed an interest in pursuing this application in over 20 years. The State Engineer has had no correspondence from the Applicant in over 20 years. The State Engineer finds that no response was received to the request for information.¹

¹ File No. 49824, 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 that 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 chapter 533.

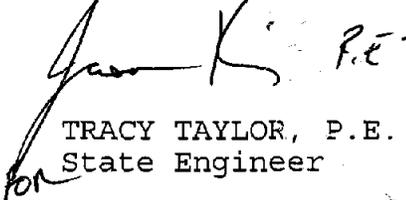
³ NRS § 533.375.

⁴ NRS § 533.370(5).

RULING

Application 49824 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 6th day of
December, 2007.