

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

IN THE MATTER OF APPLICATIONS 13914)
AND 13915 FILED TO APPROPRIATE THE)
PUBLIC WATERS OF A SURFACE SOURCE)
WITHIN THE QUINN RIVER VALLEY -)
McDERMITT SUBAREA HYDROGRAPHIC)
BASIN (33B), HUMBOLDT COUNTY,)
NEVADA.)

RULING

#5635

GENERAL

I.

Application 13914 was filed on November 17, 1951, by Bessie L. Ellison, et al., to appropriate 25 cubic feet per second (cfs) of water from the Quinn River for irrigation purposes. The proposed place of use is described as being 2,500 acres located within the NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 5, all of Section 6, NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 7, W $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 18, W $\frac{1}{2}$, W $\frac{1}{2}$ E $\frac{1}{2}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 19, T.44N., R.37E., M.D.B.&M. and the E $\frac{1}{2}$ E $\frac{1}{2}$ of Section 12, E $\frac{1}{2}$ of Section 13, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$ of Section 24, T.44N., R.36E., 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 32, T.45N., R.37E., M.D.B.&M.¹

II.

Application 13915 was filed on November 17, 1951, by Bessie L. Ellison, et al., to appropriate 50 cfs of water from the Quinn River for irrigation purposes. The proposed place of use is described as being 8,240 acres located within the S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 31, S $\frac{1}{2}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, SW $\frac{1}{4}$ of Section 32, T.45N., R.37E., M.D.B.&M., NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 5, all of Section 6, NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 7, W $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 18, W $\frac{1}{2}$, W $\frac{1}{2}$ E $\frac{1}{2}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 19, all of Section 30, all of Section 31, W $\frac{1}{2}$ W $\frac{1}{2}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 32, T.44N., R.37E., M.D.B.&M., SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, of Section 1, all of Section 12, all of Section 13, E $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 14, all of Section 23, all of Section 26, T.44N., R.36E., M.D.B.&M., NE $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 22, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 21, W $\frac{1}{2}$ W $\frac{1}{2}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ of Section

¹ File No. 13914, official records in the Office of the State Engineer.

27, S½ SE¼, SE¼ SW¼ of Section 28, N½ NW¼, SW¼ NW¼ of Section 33, T.45N., R.37E., M.D.B.&M. The proposed point of diversion is described as being located within the NE¼ NW¼ of Section 22, T.45N., R.37E., M.D.B.&M.²

III.

Applications 13914 and 13915 were timely protested on grounds not considered in this ruling.^{1,2}

FINDINGS OF FACT

I.

The Applicants and their agent were notified by certified mail dated June 30, 2005, to submit additional information regarding Applications 13914 and 13915 to the State Engineer's office. The Applicants were warned that failure to respond within 30 days would result in denial of the application. The certified letters to the Applicants and their agent were returned to the Office of the State Engineer by the U.S. Postal Service. A review of the application files shows no correspondence from the Applicants for over 52 years. From that time forward, the Applicants have expressed no interest in pursuing these applications and have not submitted the additional information requested.¹

The State Engineer finds that the Applicants were properly notified of the request for additional information regarding interest in pursuing Applications 13914 and 13915 and failed to respond. The State Engineer further finds that there has been no correspondence from the Applicant for over 52 years.¹

CONCLUSIONS

I.

The State Engineer has jurisdiction over the parties and the subject matter of this action and determination.³

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.⁴

² File No. 13915, official records in the Office of the State Engineer.

³ NRS chapters 533 and 534.

⁴ NRS § 533.375.

III.

The State Engineer is prohibited by law from granting a permit under an application to appropriate the public water 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 Applicants and their agent were properly notified of the requirement for additional information and have failed to submit the information to the State Engineer's office. The State Engineer concludes that the failure to express any interest in the application for over 52 years and the failure to submit requested information demonstrates the Applicants' lack of interest in pursuing Applications 13914 and 13915. The State Engineer concludes it would threaten to prove detrimental to the public interest to issue a permit under these circumstances.

RULING

Applications 13914 and 13915 are hereby denied on the grounds their issuance would threaten to prove detrimental to the public interest.

Respectfully submitted,



TRACY TAYLOR, P.E.
State Engineer

TT/TW/jm

Dated this 8th day of
August, 2006.

⁴ NRS § 533.370(5).