

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

IN THE MATTER OF APPLICATION)
54193 FILED TO APPROPRIATE THE)
PUBLIC WATERS OF FOREST HOME)
SPRING WITHIN THE WHITE RIVER)
VALLEY HYDROGRAPHIC BASIN)
(207), NYE COUNTY, NEVADA.)

RULING

5675

GENERAL

I.

Application 54193 was filed on November 27, 1989, by Gurley 1980 Family Trust to appropriate 2 cubic feet per second of water from Forest Home Spring within the White River Valley Hydrographic Basin, Nye County, Nevada, for irrigation and domestic purposes within the N $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 22 and the N $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 23, all within T.6N., R.59E., M.D.B.&M. The proposed point of diversion is described as being located within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 18, T.6N., R.59E., M.D.B.&M.¹

II.

Application 54193 was timely protested by the United States Department of Interior, Bureau of Land Management on grounds not relevant to this decision.¹

FINDINGS OF FACT

I.

By certified letter dated February 6, 2006, to the Applicant and their agent, the Office of the State Engineer requested the Applicant to provide information as to whether they still had an interest in pursuing the application. The letter assigned a thirty-day time frame to submit the requested information or the application would be subject to denial. The letter sent to the Applicant was returned February 15, 2006, stamped "Return to Sender, Not Known." The certified mail receipt for the letter sent to their agent was

¹ File No. 54193, official records in the Office of the State Engineer.

received in the Office of the State Engineer on February 10, 2006. The State Engineer finds that no response was received to the request for information.¹ The State Engineer finds neither the Applicant nor their agent have expressed an interest in pursuing this application.

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

² NRS chapter 533.

³ NRS § 533.375.

⁴ NRS § 533.370(5).

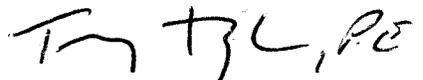
Ruling
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to an applicant that does not express an intent to go forward with the project would threaten to prove detrimental to the public interest.

RULING

Application 54193 is hereby denied on the grounds that the Applicant has not submitted the 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. No ruling is made on the merits of the protest.

Respectfully submitted,



TRACY TAYLOR, P.E.
State Engineer

TT/MJW/jm

Dated this 29th day of
November, 2006.