

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

IN THE MATTER OF APPLICATION 19070 FILED )  
TO APPROPRIATE THE PUBLIC WATERS OF )  
MEADOW VALLEY WASH WITHIN THE )  
PANACA VALLEY HYDROGRAPHIC BASIN )  
(203), LOCATED WITHIN LINCOLN COUNTY, )  
NEVADA. )

**RULING**

**#6168**

**GENERAL**

**I.**

Application 19070 was filed on July 27, 1960, by Ellen McGuire Hamilton, and later a portion was assigned to Raymond Thompson, to appropriate 4.0 cubic feet per second (cfs) of water from Panaca Creek, a.k.a. Meadow Valley Wash, in the Panaca Valley Hydrographic Basin for irrigation and domestic purposes within portions of the SE $\frac{1}{4}$  SW $\frac{1}{4}$  and SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 25, T.2S., 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 25, T.2S., R.67E., M.D.B.&M.<sup>1</sup>

**II.**

Application 19070 was timely protested by Chester Oxborrow and the Estate of J. A. Yoacham, Deceased, by John W. Bonner, Attorney for the Estate on grounds not to be considered in this ruling.

**FINDINGS OF FACT**

**I.**

By letter dated May 21, 2009, to the Protestants the State Engineer inquired as to the Protestants' interest in pursuing their protests and indicated that "no reply will be taken as an expression of your disinterest." The letter to Protestant Chester Oxborrow was returned by the United States Postal Service to the Office of the State Engineer marked "Deceased." The letter to Protestant Estate of J. A. Yoacham, Deceased, by John W. Bonner, Attorney for the Estate was returned by the United States Postal Service to the Office of the State Engineer marked "No Such

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<sup>1</sup> File No. 19070, official records in the Office of the State Engineer.

Number, Unable To Forward.” The State Engineer finds the Protestants have not expressed interest in pursuing their protests against this application.

## II.

A field investigation was conducted at the surface water source by Office of the State Engineer personnel on October 11, 2011, and December 15, 2011. The purpose of the investigation was to determine whether the source stream had any available water to appropriate and if the stream is tributary to the Meadow Valley Wash. It was determined by the inspector that the source did not have any water flowing at the time of the inspections and that based on his knowledge of the stream during semiannual basin inventories, there has never been water in the stream at those times. The inspector also found that should any water flow in the stream, it would be tributary to the Meadow Valley Wash.<sup>2</sup>

The State Engineer finds there is no water available for appropriation as requested in Application 19070.

## CONCLUSIONS

### I.

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

### II.

The State Engineer is prohibited by law from granting an application to appropriate the public waters where:<sup>4</sup>

- 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.

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<sup>2</sup> See, field investigation of Application 19070 dated December 15, 2011, and memorandum dated January 4, 2012, File No. 19070, official records in the Office of the State Engineer.

<sup>3</sup> NRS Chapter 533.

<sup>4</sup> NRS § 533.370(2).

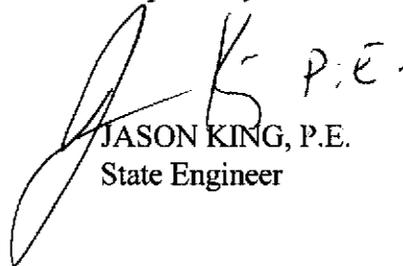
**III.**

The State Engineer concludes that there is no available water to appropriate at the source; therefore, Application 19070 is subject to denial.

**RULING**

Application 19070 is hereby denied on the grounds that insufficient water exists at the source. No ruling is made on the merits of the protests.

Respectfully submitted,



JASON KING, P.E.  
State Engineer

Dated this 27th day of  
April, 2012.