

SUPREME COURT OF NEVADA

Egger Enterprises, LLC v. State Engineer

142 Nev. Adv. Op. No. 18 (2026) · No. 89291 · Decided February 26, 2026

SUMMARY

The Supreme Court of Nevada affirmed the denial of Egger Enterprises, LLC’s petition for judicial review of a State Engineer decision declaring portions of its water rights forfeited for nonuse. The court held that NRS 534.090(3) does not require the State Engineer to make findings on factors irrelevant to a request for an extension, and that substantial evidence supported the denial of a further extension. The court also held that equitable relief was unavailable because the water had not been put to beneficial use and no estoppel applied.

CASE DETAILS

COURT	Supreme Court of Nevada
WRITING FOR THE COURT	Lee, J.; Herndon, J.; Pickering, J.; Parraguirre, J.; Bell, J.; Stiglich, J.; Cadish, J.
JURISDICTION	Supreme Court of Nevada
DECIDED	February 26, 2026
DOCKET	89291
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from a district court order denying Egger Enterprises, LLC's petition for judicial review of a State Engineer decision declaring forfeiture of portions of its water rights.
STANDARD OF REVIEW	Review of the State Engineer's decision is limited to whether substantial evidence supports the decision; the court does not substitute its judgment or reweigh the evidence. Questions of law, including whether the correct legal standard was applied, are reviewed de novo. Denial of equitable relief is reviewed for abuse of discretion, but the legal component of a mixed question concerning whether the facts permit equitable relief is reviewed de novo.
PRECEDENTIAL VALUE	Published, precedential opinion of the Supreme Court of Nevada
PARTIES	Egger Enterprises, LLC v. Office of the State Engineer, Division of Water Resources, Department of Conservation and Natural Resources, State Engineer of the State of Nevada

TOPICS

judicial review of agency action

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statutory interpretation

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PRACTICE AREAS

Nevada water law

administrative law

judicial review

equitable remedies

QUESTIONS PRESENTED

1. Whether NRS 534.090(3) requires the State Engineer to make findings on every enumerated factor before denying a water-right forfeiture extension.
2. Whether substantial evidence supported the State Engineer's determination that Egger lacked good cause for another extension and that portions of its water rights were forfeited.
3. Whether Egger was entitled to equitable relief reinstating its forfeited water rights.

HOLDINGS

1. NRS 534.090(3) requires the State Engineer to consider the enumerated factors that are relevant to the request, but does not require findings on factors that are irrelevant or inapplicable to the applicant's showing of good cause.
2. Substantial evidence supported the State Engineer's determination that Egger lacked good cause for a further extension and that the unused portions of its water rights were subject to forfeiture.
3. Equitable relief was unavailable because Egger failed to beneficially use the water, no estoppel based on State Engineer error was shown, and reinstatement would not satisfy the governing equitable considerations.

KEY QUOTATIONS

“While the State Engineer must consider each enumerated factor, nothing in the statute requires him to make findings on irrelevant or inapplicable factors.” (at 5)

“Equitable relief, however, is not available where the water was not put to beneficial use, absent estoppel due to an error by the State Engineer.” (at 12)

“As Egger has failed to put its water to beneficial use within the statutorily prescribed time period and extension thereof and is further not entitled to equitable relief, we affirm the decision of the district court.” (at 14)

FACTUAL BACKGROUND

Egger purchased a Nevada ranch whose irrigation system was converted to center-pivot irrigation, leaving field corners unirrigated and resulting in nonuse of portions of Egger's water rights. Egger sought to acquire adjacent federal land and obtain permits to move the unused water to that land, but the administrative process was delayed. Portions of the water rights had not been beneficially used for at least ten years and likely twenty-seven years. After the State Engineer granted one extension, he denied a second extension and declared the unused portions forfeited.

PROCEDURAL HISTORY

A nonparty challenged Egger's water-right change applications on the ground that the water had not been beneficially used for more than five years. The State Engineer issued Ruling 6396 declaring portions of Egger's water rights forfeited. The district court initially reversed and remanded for inadequate notice; after notice was provided, Egger requested extensions, which were granted once and then denied on a subsequent request. The State Engineer declared the unused rights forfeited, and the district court denied Egger's petition for judicial review and equitable relief. The Nevada Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- Desert Irrigation, Ltd. v. State, 113 Nev. 1049, 1057-59, 944 P.2d 835, 841-42 (1997)
- Bacher v. Office of State Engineer of State of Nevada, 122 Nev. 1110, 1121-22, 146 P.3d 793, 800 (2006)
- Pyramid Lake Paiute Tribe of Indians v. Ricci, 126 Nev. 521, 525, 245 P.3d 1145, 1148 (2010)
- Mountain Falls Acquisition Corp. v. State, No. 74130, 2019 WL 2305720, at *2 (Nev. May 29, 2019)
- Serra Pac. Indus. v. Wilson, 135 Nev. 105, 110, 440 P.3d 37, 41 (2019)
- Office of the State Engineer v. Morris, 107 Nev. 699, 701, 819 P.2d 208, 205 (1991)
- Wilson v. Pahrum Fair Water, LLC, 137 Nev. 10, 16, 481 P.3d 853, 858 (2021)
- Wilson v. Happy Creek, Inc., 135 Nev. 301, 305, 310-14, 448 P.3d 1106, 1110, 1113-16 (2019)

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