

IN THE OFFICE OF THE STATE ENGINEER
STATE OF NEVADA

IN THE MATTER OF ORDER NO. 519)
OF THE STATE ENGINEER, DATED)
JUNE 14, 1974.)

Order No. 519, dated June 14, 1974, restricted the use of water under Permit 23017 to appropriate the waters of Lake Tahoe. This Order was appealed by a Complaint filed by attorneys for the Kingsbury Water Corporation on July 11, 1974.

Order No. 519 was the subject of testimony and discussion in a hearing before the Honorable District Judge Noel E. Manoukian in the case of State of Nevada v. Roy Godecke, et al., No. 6497. In the Court's Decision and Order of Case No. 6497, dated July 10, 1974 and entered July 11, 1974, the following appears on page 13:

"Exhibit "D" for identification only is also rejected as an exhibit, and is hereby held inadmissible as the Court finds that the State of Nevada Engineer's Order of Modification to its Permit No. 23017, belonging to the Kingsbury Water Corporation, was done and accomplished without notice or hearing and violates due process, and it is held inadmissible on the additional grounds that it is conditioned upon "final allocation of the State of Nevada under the California-Nevada Interstate Compact Commission," which said Compact is not a legal body as determined by this Court. This Court finds Exhibit "D" for identification to be of no legal effect....."

Order No. 519, the Appeal thereto, and the Answer to said appeal, which was filed on July 19, 1974, would be heard in the same District Court that has essentially previously ruled on the merits of Order 519.

IT IS HEREBY ORDERED that Order No. 519, of the State Engineer, dated June 14, 1974, is vacated effective this date. This action in no way waives the State Engineer's statutory authority regarding Permit 23017, nor is it to be interpreted as establishing any precedent for further action in the matter of Permit 23017.

This order is not to be interpreted as expressing any opinion concerning Permit 23017, should the Congress of the United States adopt the California-Nevada Interstate Compact, nor is it an admission or acknowledgement of any of the allegations in the Complaint of the Appeal to Order No. 519.


Roland D. Westergard
State Engineer

RDW:gs

Dated this Sixth day of
September, 1974.