

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATION 34627)
FILED TO CHANGE THE POINT OF)
DIVERSION OF THE WATERS OF AN)
UNDERGROUND SOURCE HERETOFORE)
APPROPRIATED UNDER PERMIT 10754,)
CERTIFICATE 3947, IN LAS VEGAS VALLEY,)
CLARK COUNTY, NEVADA.)

RULING

GENERAL

Application 34627 was filed on November 17, 1977, by Tiger Investment Company to change the point of diversion of 0.2 c.f.s. of water from an underground source heretofore appropriated under Permit 10754, Certificate 3947. The proposed use is for quasi-municipal and domestic purposes within the S1/2 NE1/4, N1/2 SE1/4 Section 9 and the SW1/4 NW1/4, NW1/4 SW1/4 Section 10, T.21S., R.61E., M.D.B.&M. The proposed point of diversion is described as being within the SE1/4 NE1/4 Section 9, T.21S., R.61E., M.D.B.&M. The existing point of diversion is described as being within the SW1/4 NE1/4 Section 9, T.21S., R.61E., M.D.B.&M.¹

Certificate 3947, under Permit 10754, was issued on August 6, 1953, for 0.20 c.f.s. of water for quasi-municipal and domestic purposes. The owner of record in the office of the State Engineer is Sahara-Nevada Corporation.

FINDINGS OF FACT

I.

On April 12, 1978, a letter was sent to Russell Avery advising him that the State Engineer did not have adequate documentation or filing fees to complete the assignment of water rights from Sahara-Nevada Corporation to Tiger Investment Company.¹

II.

On May 26, 1983, a letter was sent to Russell Avery advising him that before the State Engineer could act on Application 34627, it would be necessary to complete the chain of title from Sahara-Nevada Corporation to Tiger Investment Company, and a response was required within thirty (30) days of the date of this letter.¹

III.

On November 6, 1984, a letter was sent to Tiger Investment Company by certified mail giving the applicant a period of sixty (60) days in which to show clear chain of title from Sahara-Nevada Corporation to Tiger Investment Company. The letter indicated that unless the chain of title was completed, Application 34627 would be subject to denial. A copy of the letter was sent to the agent, Russell Avery, by certified mail.¹

¹ Public record in the office of the State Engineer.

IV.

A return receipt for the copy sent to Russell Avery and initialed "RA" was received by the State Engineer's office on November 15, 1984. A return receipt for the letter sent to Tiger Investment Company, signed by "N. Tepka", was received by the State Engineer on November 13, 1984. These receipts are filed under Permit 10754.

V.

As of November 19, 1985, no documentation to establish the chain of title has been received by the State Engineer's office.

CONCLUSIONS

I.

The State Engineer has jurisdiction of the parties and the subject matter of this action.²

II.

The State Engineer may require additional information before approval or rejection of an application.³

III.

The applicant has failed to submit the additional information requested by the State Engineer.

RULING

Application 34627 is hereby denied on the grounds that it would not be in the public interest to grant an application to change where the applicant cannot demonstrate ownership of Permit 10754, Certificate 3947, which is sought to be changed.

Respectfully submitted,


PETER G. MORROS
State Engineer

PGM/KN/bl

Dated this 17th day of
December, 1985.

² NRS 533.325 and NRS 533.345.

³ NRS 533.375.