

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

IN THE MATTER OF TEMPORARY APPLICATION)  
54883-T FILED TO CHANGE THE PLACE OF )  
USE OF A PORTION OF THE PUBLIC WATERS )  
OF THE TRUCKEE AND CARSON RIVERS IN )  
CARSON DESERT, CHURCHILL COUNTY, )  
NEVADA. )

RULING

# 3861

GENERAL

I.

Temporary Application 54883-T was filed on May 29, 1990 by Howard Wolf Family Trust to change the place of use of 45.85 acre-feet a portion of water from the Truckee River and Carson River heretofore decreed under United States of America v. Orr Water Ditch Co. in Equity No. A. 3 Claim No. 3; United States of America v. Alpine Land & Reservoir Co.

The proposed and existing point of diversion was from Lahontan Dam within the SW1/4 SE1/4 Section 33, T.19N., R.26E., M.D.B.&M. The proposed place of use was 13.1 acres within the NW1/4 NW1/4 Section 34, T.20N., R.29E., M.D.B.&M. The manner of use remains unchanged.<sup>1</sup>

FINDINGS OF FACT

I.

The State Engineer must give notice in accordance with NRS 533.360 of any temporary application that he determines may not be in the public interest or may impair the water rights held by other persons.<sup>2</sup> The cost associated with said notice is \$50.00 and must be paid by the applicant.<sup>3</sup>

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<sup>1</sup> Public record in the office of the State Engineer.

<sup>2</sup> NRS 533.345(3).

<sup>3</sup> NRS 533.435.

II.

In view of the fact that the Pyramid Lake Paiute Indian Tribe protests all such similar changes of the waters of the Truckee and Carson River and did protest this application on June 19, 1990, the State Engineer finds that the public should be afforded an opportunity to comment on Temporary Application 54883-T.<sup>1</sup>

III.

The Applicant was notified by letter from the State Engineer's Office dated August 28, 1991, to submit an additional \$50.00 (fifty Dollar) fee to cover the cost associated with publishing Temporary Application 54883-T, in accordance with NRS 533.360 and 533.435. No fee was submitted as a result of that notice.<sup>1</sup>

CONCLUSIONS

I.

The State Engineer has jurisdiction in this matter under the provisions of NRS 533.325 and NRS 533.435.<sup>4</sup>

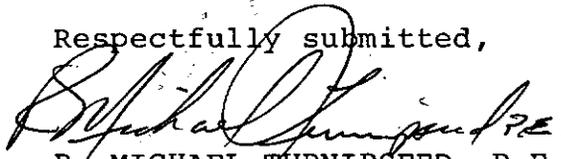
II.

The applicant has not submitted the additional fee to cover the cost associated with publication.<sup>2</sup>

RULING

Temporary Application 54883-T is hereby denied on the grounds that the applicant has failed to submit the prescribed fees required under NRS 533.345.

Respectfully submitted,

  
R. MICHAEL TURNIPSEED, P.E.  
State Engineer

RMT/DJL/pm

Dated this 8th day of  
January, 1992.

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<sup>4</sup> NRS Chapters 533 and 534.