

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

IN THE MATTER OF APPLICATIONS 53664)
THROUGH 53668, INCLUSIVE, TO CHANGE)
A PORTION OF PERMITS 47790, 47921,)
47920, 47919 AND 47918, RESPECTIVELY,)
TO APPROPRIATE THE PUBLIC WATERS OF)
AN UNDERGROUND SOURCE IN SPANISH)
SPRINGS VALLEY, WASHOE COUNTY,)
NEVADA.)

RULING
3975

GENERAL

I.

Application 53664¹ was filed on June 30, 1989 by Brookside Savings and Loan Association to change the point of diversion and place of use of a portion of Permit 47790. The proposed point of diversion is described as being within Lot 4 Section 7, T.20N., R.21E., M.D.B.&M., and the proposed place of use is described as being T.20N., R.20E., M.D.M., Section 16, SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 21, NE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ N $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ lying east of State Highway 445, S $\frac{1}{2}$ N $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ lying west of State Highway 445, N $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ lying west of State Route 445. T.20N., R.21E., M.D.M., Section 6, E $\frac{1}{2}$ Lot 2, Lot 3, Lot 4, Lot 5, Lot 6, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 7, all except a 20 acre parcel which is the North 600 feet of the West 1320 feet of Section 7. T.21N., R.20E., M.D.M., Section 23, 64.4 \pm acres, S $\frac{1}{2}$ NE $\frac{1}{4}$, that portion lying parallel to and 750.00 feet east of the east right-of-way of State Route 445. SE $\frac{1}{4}$, that portion lying parallel to and 750.00 feet east of the east right-of-way of State Route 445. Section 25, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$, SE $\frac{1}{4}$, Section 26, NW $\frac{1}{4}$ NE $\frac{1}{4}$, lying east of State Route 445, NE $\frac{1}{4}$ NE $\frac{1}{4}$, that portion lying parallel to and 750.00 feet east of the east right-of-way of State Route 445. SW $\frac{1}{4}$ NE $\frac{1}{4}$, lying east of State Route 445, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, lying east of State Route 445, NE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, lying east of State Route 445. Section 35, NE $\frac{1}{4}$ NW $\frac{1}{4}$, lying east of State Route 445, SE $\frac{1}{4}$ NW $\frac{1}{4}$, lying east of State Route 445, NE $\frac{1}{4}$ SW $\frac{1}{4}$, lying east of State Route 445, SW $\frac{1}{4}$ SW $\frac{1}{4}$, lying east of State Route 445, SE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$, SE $\frac{1}{4}$,

¹ Public record in the office of the State Engineer.

Section 36, all, whole section. The existing point of diversion and place of use are set forth under Permit 47790.²

Application 53665¹ was filed on June 30, 1989 by Brookside Savings and Loan Association to change the point of diversion of a portion of Permit 47921. The proposed point of diversion is described as being within Lot 5 Section 6, T.20N., R.21E., M.D.B.&M., and the proposed place of use is the same as Application 53664. The existing point of diversion and place of use are set forth under Permit 47921.³

Application 53666¹ was filed on June 30, 1989 by Brookside Savings and Loan Association to change the point of diversion of a portion of Permit 47920. The proposed point of diversion is described as being within Lot 4 Section 6, T.20N., R.21E., M.D.B.&M., and the proposed place of use is the same as Application 53664. The existing point of diversion and place of use are set forth under Permit 47920.⁴

Application 53667¹ was filed on June 30, 1989 by Brookside Savings and Loan Association to change the point of diversion of a portion of Permit 47919. The proposed point of diversion is described as being within Lot 5 Section 6, T.20N., R.21E., M.D.B.&M., and the proposed place of use is the same as Application 53664. The existing point of diversion and place of use are set forth under Permit 47919.⁵

Application 53668¹ was filed on June 30, 1989 by Brookside Savings and Loan Association to change the point of diversion of a portion of Permit 47918. The proposed point of diversion is described as being within Lot 4 Section 6, T.20N., R.21E.,

² Public record in the office of the State Engineer, under 47790.

³ Public record in the office of the State Engineer, under 47921.

⁴ Public record in the office of the State Engineer, under 47920.

⁵ Public record in the office of the State Engineer, under 47919.

M.D.B.&M., and the proposed place of use is the same as Application 53664. The existing point of diversion and place of use are set forth under Permit 47918.⁶

FINDINGS OF FACT

I.

Records and information available to the State Engineer indicate that Brookside Savings and Loan Association is no longer an owner of record of any portion of Permits 47790 and 47918 through 47921 inclusive.⁷

CONCLUSION

I.

The State Engineer has jurisdiction of the parties and the subject matter of this action.⁸

II.

The State Engineer is prohibited by law from granting a permit under an application to change the public waters where:⁹

- A. The proposed use conflicts with existing rights, or
- B. The proposed use threatens to prove detrimental to the public interest.

III.

Based on the information and data available to the State Engineer, Brookside Savings and Loan Association does not own any portion of Permit 47790 and 47918 through 47921 inclusive. To grant an application to change where the applicant does not own the permit to be changed, would not be in the public interest or welfare.

⁶ Public record in the office of the State Engineer, under 47918.

⁷ See documentation of ownership in Permit files 47918, 47919, 47920 and 47921.

⁸ NRS Chapters 533 and 534.

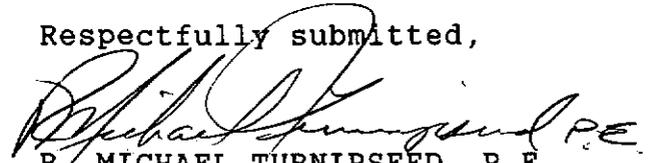
⁹ NRS Chapters 533.370(3).

Ruling
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RULING

Applications 53664 through 53668, inclusive, are herewith denied on the grounds it would not be in the public interest to grant applications to change existing permits that the applicant does not own or control.

Respectfully submitted,


R. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/MR/pm

Dated this 6TH day of
May, 1993.