

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

IN THE MATTER OF APPLICATIONS 49717,)
49718, 49719 AND 49720 FILED TO)
APPROPRIATE THE PUBLIC WATERS OF AN)
UNDERGROUND SOURCE WITHIN THE)
PLEASANT VALLEY GROUNDWATER BASIN)
(88), WASHOE COUNTY, NEVADA.)

RULING

4292

GENERAL

I.

Application 49717 was filed on February 13, 1986, by Callahan's Whispering Pines Ranch Partnership to appropriate 0.25 cubic feet per second (cfs) of water from an underground source for quasi-municipal purposes within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 3, T.17N., R.19E., M.D.B.&M.¹ The point of diversion is described as being located within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 3. Application 49717 became ready for action by the State Engineer on June 14, 1986.¹

II.

Application 49718 was filed on February 13, 1986, by Callahan's Whispering Pines Ranch Partnership to appropriate 0.5 cfs of water from an underground source for quasi-municipal purposes within the SW $\frac{1}{4}$ of Section 3, T.17N., R.19E., M.D.B.&M.² The point of diversion is described as being located within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 3. Application 49718 became ready for action by the State Engineer on June 14, 1986.²

III.

Application 49719 was filed on February 13, 1986, by Callahan's Whispering Pines Ranch Partnership to appropriate 0.5 cfs of water from an underground source for quasi-municipal

¹ File No. 49717, official records of the Office of the State Engineer.

² File No. 49718, official records of the Office of the State Engineer.

purposes within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, a portion of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ and a portion of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 2, T.17N., R.19E., M.D.B.&M.³ The point of diversion is described as being located within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 2. Application 49719 became ready for action by the State Engineer on June 14, 1986.³

IV.

Application 49720 was filed on February 13, 1986, by Callahan's Whispering Pines Ranch Partnership to appropriate 0.5 cfs of water from an underground source for quasi-municipal purposes within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, a portion of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ and a portion of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 2, T.17N., R.19E., M.D.B.&M.⁴ The point of diversion is described as being located within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 2. Application 49720 became ready for action by the State Engineer on June 14, 1986.⁴

FINDINGS OF FACT

I.

By certified letter sent July 19, 1995, the applicant and its agent were requested to submit additional information to the State Engineer's Office regarding the plans concerning Applications 49717, 49718, 49719 and 49720, specifically, the current status of the project, including the applicant's ability to complete the project, the anticipated time of completion, additional information concerning the annual consumptive use of the water applied for and evidence as to why a new appropriation within the service area of a public utility is necessary.^{1,2,3,4} Endorsed receipts for the certified letter were received in the Office of the State Engineer. The State Engineer finds that no response to the request for information was received in the Office of the State Engineer.

³ File No. 49719, official records of the Office of the State Engineer.

⁴ File No. 49720, official records of the Office of the State Engineer.

CONCLUSIONS

I.

The State Engineer has jurisdiction over the parties and the subject matter of this action and determination.⁵

II.

Before either approving or rejecting an application, the State Engineer may require such additional information as will enable him to properly guard the public interest.⁶

III.

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

1. There is no unappropriated water at the proposed source, or
2. The proposed use conflicts with existing rights, or
3. The proposed use threatens to prove detrimental to the public interest.⁷

IV.

The applicant and its agent were properly notified of the requirement of additional information concerning this application and have failed to submit the requested information. The State Engineer concludes that without the additional information requested sufficient information is not available for the State Engineer to properly guard the public interest.

⁵ NRS Chapters 533 and 534.

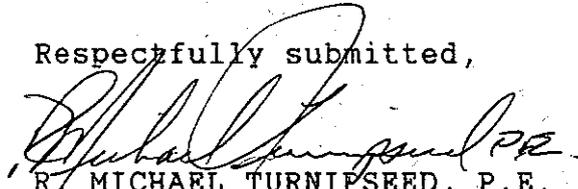
⁶ NRS 533.375.

⁷ NRS 533.370(3).

RULING

Applications 49717, 49718, 49719 and 49720 are hereby denied on the grounds that the applicant has not submitted the information requested by the State Engineer's Office, and that without this information, granting of said applications would be detrimental to the public interest.

Respectfully submitted,


MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/BEM/ab

Dated this 29th day of
January, 1996.