

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

IN THE MATTER OF APPLICATION 52349 )  
FILED TO APPROPRIATE THE PUBLIC )  
WATERS OF AN UNDERGROUND )  
SOURCE WITHIN THE DUCK LAKE )  
VALLEY HYDROGRAPHIC BASIN (16), )  
WASHOE COUNTY, NEVADA. )

RULING  
**#5271**

GENERAL

I.

Application 52349 was filed on July 28, 1988, by Walter and Janesse Ford to appropriate 5.6 cubic feet per second of water from an underground source for irrigation purposes. The place of use is 200 acres described as being located within a portion of Section 15, Lot 4 of Section 14, portion of Tract 44 of Sections 14, 15, 22, 23, portion of Tract 45 of Section 14, portion of Lot 5 of Section 14, portions of Lots 1 and 2 of Section 23, all within T.36N., R.18E., M.D.B.&M. The proposed point of diversion is described as being located within NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 14, T. 36N., R.18E., M.D.B.&M.<sup>1</sup>

II.

The application was timely protested by Washoe County on the following grounds:<sup>1</sup>

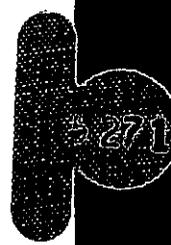
Application would interfere with County application 50222 thru 50224. If County applications are permitted, the basin will be fully appropriated.

FINDINGS OF FACT

I.

The applicants and their agent were notified by certified mail dated March 19, 2003, to submit additional information to the State Engineer's office and to advise this office in writing if they were interested in pursuing Application 52349. The applicants were warned that failure to respond within 30 days would result in denial of the application. The certified letters to the applicants and agent were returned to the Office of the State Engineer by the U.S. Postal Service stamped "Undeliverable as Addressed"

<sup>1</sup> File No. 52349, official records in the Office of the State Engineer.



and "No Forwarding Order on File".<sup>1</sup> To date, the applicants have expressed no interest in pursuing this application. The State Engineer finds that the applicants were properly notified of the request for additional information regarding interest in pursuing Application 52349 and have failed to respond.

**II.**

The State Engineer finds that it is the responsibility of the applicants, their agent, or their successor in interest to keep this office informed of a current mailing address.

**III.**

The State Engineer finds that there has been no correspondence from the applicants regarding Application 52349 for at least 14 years.<sup>1</sup>

**CONCLUSIONS**

**I.**

The State Engineer has jurisdiction over the parties and the subject matter of this action and determination.<sup>2</sup>

**II.**

The State Engineer is prohibited by law from granting a permit under an application to appropriate the public water where:<sup>3</sup>

- A. there is no unappropriated water at the proposed source;
- B. the proposed use or change conflicts with existing rights;
- C. the proposed use or change conflicts with protectible interests in existing domestic wells as set forth in NRS § 533.024; or
- D. the proposed use or change threatens to prove detrimental to the public interest.

**III.**

The applicants were properly notified of the requirement for additional information concerning interest in this application and have failed to submit this information to the State Engineer's office. The State Engineer concludes that the failure to express any interest in the application for over 14 years and failure to maintain a current address demonstrates the applicants' lack of interest in pursuing Application

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<sup>2</sup> NRS chapters 533 and 534.

<sup>3</sup> NRS § 533.370(3).

Ruling  
Page 3

52349. The State Engineer concludes it would threaten to prove detrimental to the public interest to issue a permit under an application for which no interest is expressed.

**RULING**

Application 52349 is hereby denied on the grounds its issuance would threaten to prove detrimental to the public interest. No ruling is made on the merits of the protest.

Respectfully submitted,



HUGH RICCI, P.E.  
State Engineer

HR/TW/jm

Dated this 29th day of

August, 2003.