

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

IN THE MATTER OF APPLICATION 51122)
FILED TO APPROPRIATE THE PUBLIC)
WATERS OF AN UNDERGROUND)
SOURCE WITHIN THE TRUCKEE)
MEADOWS HYDROGRAPHIC BASIN)
(87), WASHOE COUNTY, NEVADA.)

RULING

#5503

GENERAL

I.

Application 51122 was filed on July 17, 1987, by T. M. Chang to appropriate 1.0 cubic foot per second of underground water for quasi-municipal purposes. The proposed place of use is described as being located within portions of the SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, and the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 13, T.19N., R.18E., M.D.B.&M. The proposed point of diversion is described as being located within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 13.¹

FINDINGS OF FACT

I.

The applicant was notified by certified mail dated November 19, 2004, to submit additional information regarding Application 51122 to the State Engineer's office. A copy of the notice was also sent to the agent. The applicant was warned that failure to respond within 45 days could result in denial of the application. A signed receipt for this certified letter was received in the Office of the State Engineer on November 29, 2004. To date, the applicant and his agent have expressed no interest in pursuing this application and have not submitted the additional information requested.¹ The State Engineer finds that the applicant and his agent were properly notified of the request for additional information regarding interest in pursuing Application 51122 and have failed to respond.

¹ File No. 51122, official records in the Office of the State Engineer.

II.

The State Engineer finds that there has been no correspondence from the applicant or his agent in regards to this application for over 17 years.¹

CONCLUSIONS

I.

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

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.³

III.

The State Engineer is prohibited by law from granting a permit under an application to appropriate the public water where:⁴

- 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.

IV.

The applicant and his agent were properly notified of the requirement for additional information and have failed to submit the information to the State Engineer's office. The State Engineer concludes that the failure to express any interest in this application for over 17 years and the failure to submit requested information demonstrates the applicant's lack of interest in pursuing Application 51122. The State Engineer concludes it would threaten to prove detrimental to the public interest to issue a permit under these circumstances.

² NRS chapters 533 and 534.

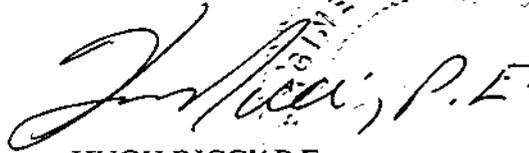
³ NRS § 533.375.

⁴ NRS § 533.370(4).

RULING

Application 51122 is hereby denied on the grounds its issuance would threaten to prove detrimental to the public interest.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Hugh Ricci, P.E.", is written over a circular embossed seal. The seal contains the text "STATE ENGINEER" and "HUGH RICCI, P.E." around its perimeter.

HUGH RICCI, P.E.
State Engineer

HR/KE/jm

Dated this 6th day of
September, 2005.