

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

IN THE MATTER OF APPLICATION 45886)
FILED TO APPROPRIATE THE PUBLIC)
WATERS OF AN UNNAMED SPRING)
WITHIN THE TRUCKEE MEADOWS)
HYDROGRAPHIC BASIN (87), WASHOE)
COUNTY, NEVADA.)

RULING
5579

GENERAL

I.

Application 45886 was filed on June 30, 1982, by Frances Latourrette, Elden Bertrand and John O'Gara to appropriate 0.5 cubic feet per second of water from an unnamed spring for quasi-municipal purposes. The proposed place of use is described as being located within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 8, T.18N., R.19E., M.D.B.&M. The proposed point of diversion is described as being located within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 8.¹

FINDINGS OF FACT

I.

The applicants and their agent were notified by certified mail dated February 24, 2005, to submit additional information regarding Application 45886 to the State Engineer's office. The applicants were warned that failure to respond within 30 days would result in denial of the application. The letters were returned to the Office of the State Engineer by the U.S. Postal Service marked "Attempted Not Known" and "Not Deliverable as Addressed - Unable to Forward".¹

The State Engineer finds that the applicants and their agent were properly notified at their respective addresses of record of the request for additional information regarding Application 45886 and failed to provide the requested information.

II.

The State Engineer finds that there has been no correspondence from the applicants or their agent in regards to this application for over 23 years.¹ The State

¹ File No. 45886, official records in the Office of the State Engineer.

Engineer finds that it is the responsibility of the applicants or their agent to keep this office informed of a current mailing address.

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 applicants and their 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 submit the requested information and failure to maintain a current address demonstrates the applicants' lack of interest in pursuing Application 45886. The State Engineer concludes it would threaten to prove detrimental to the public interest to issue a permit under these circumstances.

² NRS chapter 533.

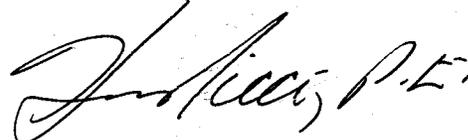
³ NRS § 533.375.

⁴ NRS § 533.370(4).

RULING

Application 45886 is hereby denied on the grounds its issuance would threaten to prove detrimental to the public interest.

Respectfully submitted,



HUGH RICCI, P.E.
State Engineer

HR/TW/jm

Dated this 10th day of

March, 2006.