

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

IN THE MATTER OF APPLICATION 41390)
FILED TO APPROPRIATE THE PUBLIC)
WATERS OF UNNAMED SPRING WITHIN THE)
PYRAMID LAKE VALLEY HYDROGRAPHIC)
BASIN (81), WASHOE COUNTY, NEVADA.)

RULING
5581

GENERAL

I.

Application 41390 was filed on May 19, 1980, by Dave and Donna Wendland to appropriate 0.10 cubic feet per second of water from an unnamed spring for irrigation and domestic purposes. The proposed place of use is described as being located within portions of Sections 2, 3, 4, 9 and 10, T.22N., R.22E., M.D.B.&M. The proposed point of diversion is described as being located within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 10.¹

FINDINGS OF FACT

I.

The applicants and their agents were notified by certified mail dated February 25, 2005, to submit additional information regarding Application 41390 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 applicants' certified letter was returned to the Office of the State Engineer, by the U.S. Postal Service, and was stamped "Attempted Not Known". The certified letters to the applicants' agents were returned to the Office of the State Engineer, by the U.S. Postal Service, and were respectively stamped "Addressee Unkown" and "Unclaimed". The unclaimed letter was re-sent by regular mail.¹

The State Engineer finds that the applicants and their agents were properly notified of the request for additional information regarding Application 41390 and failed to provide the requested information.

¹ File No. 41390, official records in the Office of the State Engineer.

II.

The State Engineer finds that there has been no correspondence from the applicants or their agents in regards to this application for over 16 years.¹ The State Engineer finds that it is the responsibility of the applicants or their agents 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 agents 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 demonstrates the applicants' lack of interest in pursuing Application 41390. 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 41390 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 that reads "Hugh Ricci, P.E.".

HUGH RICCI, P.E.
State Engineer

HR/TW/jm

Dated this 10th day of
March _____, 2006.