

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

IN THE MATTER OF APPLICATION 62666 )  
FILED TO CHANGE THE POINT OF )  
DIVERSION, PLACE AND MANNER OF )  
USE OF A PORTION OF THE PUBLIC )  
WATERS OF THE TRUCKEE RIVER )  
PREVIOUSLY APPROPRIATED UNDER )  
TRUCKEE RIVER CLAIM (DTR) 282/292, )  
WITHIN THE TRUCKEE CANYON )  
SEGMENT HYDROGRAPHIC BASIN (91), )  
WASHOE COUNTY, NEVADA. )

**RULING**  
**#5847**

**GENERAL**

**I.**

Application 62666 was filed on December 16, 1996, by Meadowview Homes, LLC to change the point of diversion, manner and place of use of 0.0417 cubic feet per second, not to exceed 4.70 acre-feet annually, a portion of water previously appropriated under Truckee River Claim Nos. 282/292 (DTR-282/292). The source of water is the Truckee River (via Orr Ditch) and the proposed manner of use is for municipal purposes. The proposed place of use is described as being located within service territory (greater Reno-Sparks area) of Truckee Meadows Water Authority, previously Sierra Pacific Power Company's, as covered by the multiple points of diversion for its water treatment plants, which are shown on the map accompanying Application 58882 on file in the Office of the State Engineer.<sup>1</sup>

**FINDINGS OF FACT**

**I.**

On July 28, 2003, the Applicant and agent were informed by the Office of the State Engineer that the requested assignment of Claim 282 water to Meadowview Homes could not be made via the chain of title for Claim 309.<sup>1</sup> No further information was received by the Office of the State Engineer in response to this letter.

By certified letter dated January 25, 2007, the Office of the State Engineer requested the Applicant's agent to provide information as to whether the Applicant still had an interest in pursuing the application along with documentation to support said ownership of the portion of

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<sup>1</sup> File No. 62666, official records in the Office of the State Engineer.

water under DTR-282/292 sought for change under Application 62666. The letter assigned a 30-day time frame to submit the requested information or the application would be subject to denial. A properly endorsed certified mail receipt was returned by the U. S. Postal Service on January 29, 2007. A copy of the letter was also sent by regular mail to the Applicant's address of record. To date, no response has been received from the Applicant or agent.

The State Engineer finds that no additional documentation has been filed to substantiate ownership of the water sought for change. The State Engineer further finds that the Applicant and agent were properly notified of the request for additional information and failed to respond.

## II.

The Office of the State Engineer made inquiries to the Nevada Secretary of State's office, through their official website, regarding the corporate status of Meadowview Homes, LLC. A search of the corporate information database showed the corporate status of Meadowview Homes, LLC, as dissolved.

Nevada Revised Statute 533.325 provides that only a "person" can file an application to appropriate water. In general usage, a "person" is defined to be a human being, firm, labor organization, partnership, association, corporation, legal representative, trustee, etc.<sup>2</sup>

Nevada Revised Statute § 0.039 provides that except as otherwise expressly provided in a particular statute or required by the context, "person" means a natural person, any form of business or social organization, and any other non-governmental legal entity including, but not limited to, a corporation, partnership, association, trust or unincorporated organization. The term does not include a government, governmental agency or political subdivision of a government. Nevada Revised Statute § 533.010 defines person as used in Chapter 533 to include the United States and the State of Nevada. Nevada Revised Statute § 534.014 defines person to include any municipal corporation, power district, political subdivision of this or any state, or an agency of the United States Government.

The State Engineer finds that the Applicant Meadowview Homes, LLC, due to its dissolved corporate status, is not a valid corporate entity in the State of Nevada; therefore, it is disqualified from obtaining a water right permit under Nevada water law.

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<sup>2</sup> Black's Law Dictionary, 1028(5<sup>th</sup> ed. 1979).

## CONCLUSIONS

### I.

The State Engineer has jurisdiction over the parties and the subject matter of this determination.<sup>3</sup>

### II.

Before either approving or rejecting an application, the State Engineer may require such additional information from the applicant as will enable him to properly guard the public interest.<sup>4</sup>

### III.

The State Engineer is prohibited by law from granting an application to appropriate the public waters where.<sup>5</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.

### IV.

The Applicant has failed to submit the information requested by the State Engineer's office. The State Engineer concludes that without the additional data sufficient information is not available to properly guard the public interest. The State Engineer concludes to grant a water right to an applicant that does not express the intent to go forward with the project or proven ownership interest in said water would threaten to prove detrimental to the public interest.

### V.

The Applicant is a dissolved corporation as determined by the Nevada Secretary of State's office. The State Engineer Concludes the Applicant, as a dissolved corporation, is ineligible to apply for a water right in the State of Nevada and therefore, to grant a water right would threaten to prove detrimental to the public interest.

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<sup>3</sup> NRS chapter 533.

<sup>4</sup> NRS § 533.375.

<sup>5</sup> NRS § 533.370(5).

RULING

Application 62666 is hereby denied on the grounds that its approval would threaten to prove detrimental to the public interest.

Respectfully submitted,

  
TRACY TAYLOR, P.E.  
State Engineer

TT/MM/jm

Dated this 14th day of

May, 2008.