

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

IN THE MATTER OF APPLICATIONS)
71452 AND 71453 FILED TO)
APPROPRIATE THE UNDERGROUND)
WATERS OF THE WINNEMUCCA)
LAKE HYDROGRAPHIC BASIN (080,))
WASHOE COUNTY, NEVADA.)

RULING

6001

GENERAL

I.

Application 71452 was filed on July 14, 2004, by Renewable Resources, LLC, to appropriate 5.0 cubic feet per second (cfs), not to exceed 1,500 acre-feet annually (afa), of the underground water of the Winnemucca Lake Hydrographic Basin for recreation and wildlife purposes. The proposed place of use is described as being located within the portions of Sections 23, 24, and 25, T.24N., R.23E., and Sections 19, 19A, 30 and 39, T.24N., R24E., 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 Section 25, T.24N., R.23E., M.D.B.&M.¹

II.

Application 71453 was filed on July 14, 2004, by Renewable Resources, LLC to appropriate 5.0 cfs, not to exceed 1,500 afa, of the underground water of the Winnemucca Lake Hydrographic Basin for recreation and wildlife purposes. The proposed place of use is described as being located within portions of Sections 23, 24, and 25, T.24N., R.23E., and Sections 19, 19A, 30 and 30, T.24N., R24E., 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 Section 23, T.24N., R.23E., M.D.B.&M.²

¹ File No. 71452, official records in the Office of the State Engineer.

² File No. 71453, official records in the Office of the State Engineer.

FINDINGS OF FACT

I.

On May 19, 2009, the Office of the State Engineer obtained information from the Nevada Secretary of State verifying that the Applicant, Renewable Resources, LLC, is currently classified as a revoked corporate entity in the state of Nevada.

Nevada Revised Statute § 533.325 provides that only a “person” can file an application to appropriate water. In general usage, a “person” is defined as a human being, firm, labor organization, partnership, association, corporation, legal representative, trustee, etc.³

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 a 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 upon revocation of the incorporation status of the Applicant, the Applicant ceased to be a “person” and thereby became disqualified from obtaining a water right permit under Nevada water law.

CONCLUSIONS

I.

The State Engineer has jurisdiction over the parties and the subject matter of this action and determination.⁴

II.

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

³ *Black's Law Dictionary*, 1028 (5th ed. 1979).

⁴ NRS chapters 533 and 534.

⁴ NRS § 533.370(5).

- 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.

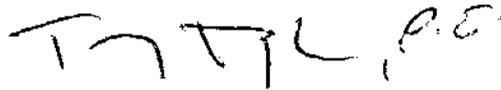
III.

The State Engineer concludes it would threaten to prove detrimental to the public interest to issue a permit under these circumstances.

RULING

Applications 71452 and 71453 are hereby denied on the grounds issuance of permits would threaten to prove detrimental to the public interest.

Respectfully submitted,



TRACY TAYLOR, P.E.
State Engineer

TT/SJT/jm

Dated this 3rd day of

August, 2009.