

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATION 43442)  
FILED TO APPROPRIATE THE PUBLIC)  
WATERS OF AN UNNAMED CREEK IN)  
LEMMON VALLEY, WASHOE COUNTY,) )  
NEVADA. )

RULING

GENERAL

Application 43442 was filed on March 31, 1981, by Neil R. and Betty Russell Lunt to appropriate 0.1 c.f.s. of water from an unnamed creek for quasi-municipal purposes in 3 dwellings within a portion of the S1/2 SE1/4 Section 2, T.20N., R.18E., M.D.B.&M. The point of diversion is described as being within the NW1/4 NE1/4 Section 11, T.20N., R.18E., M.D.B.&M.<sup>1</sup>

FINDINGS OF FACT

I.

Between June 18, 1982, and June 23, 1982, the source of water was field investigated and found to be a man made ditch and not the unnamed creek.<sup>2</sup> The applicant asked that no action be taken for one year to decide whether to file a change application to amend the point of diversion or whether to file a new application.

II.

NRS 533.335 requires an applicant to state the source of water and a substantially accurate description of the point of diversion from the source.

III.

On January 4, 1985, a letter was sent to the applicants asking if they still had an interest in the application. No response was received.<sup>1</sup>

CONCLUSIONS

I.

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

-----  
<sup>1</sup> Public record in the office of the State Engineer.

<sup>2</sup> Report of field investigation is a public record filed under Application 43442 in the office of the State Engineer.

<sup>3</sup> NRS 533.325.

II.

The State Engineer is prohibited by law from granting a permit under an application to appropriate the public waters where:<sup>4</sup>

- A. There is no appropriated water at the proposed source, or
- B. The proposed use conflicts with existing rights, or
- C. The proposed use threatens to prove detrimental to the public interest.

RULING

Application 43445 is hereby denied on the grounds that the applicant did not make the application conform to the statutes and showed no further interest in developing the water and placing it to beneficial use.

Respectfully submitted,



PETER G. MORROS  
State Engineer

PGM/MT/bl

Dated this 19th day of  
March, 1985.

-----  
<sup>4</sup> NRS 533.370, subsection 3.