

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

IN THE MATTER OF APPLICATION 53828 FILED)
TO CHANGE THE POINT OF DIVERSION, PLACE)
AND MANNER OF USE OF AN UNDERGROUND)
SOURCE HERETOFORE APPROPRIATED UNDER)
PERMIT 14112, CERTIFICATE 4395, IN THE)
MASON VALLEY GROUND WATER BASIN, LYON)
COUNTY, NEVADA.)

RULING

#3846

GENERAL

I.

Application 53828 was filed September 8, 1989, by Don H. and Joy M. Tibbals to change the point of diversion, place and manner of use of 2.22 c.f.s. of underground water heretofore appropriated under Permit 14112, Certificate 4395. The proposed point of diversion is in the SE1/4 NW1/4 Section 17, T.13N., R.25E., M.D.B.&M. The proposed place of use is portions of Sections 17 and 20, T.13N., R.25E., M.D.B.&M., described as the Weed Heights Townsite. The proposed manner of use is quasi-municipal purposes. The existing manner of use was mining, milling and domestic purposes.

Application 53828 became ready for action March 4, 1990.¹

FINDINGS OF FACT

I.

The State Engineer finds that Permit 14112, Certificate 4395 was conveyed from Don H. and Joy M. Tibbals by "Quitclaim Deed to Water Rights" to Arimetco, Inc. effective July 19, 1989.²

II.

The State Engineer's Office notified Don H. and Joy M. Tibbals by letter dated January 22, 1991 that no action could be taken on Application 53828 until they could show ownership of

¹ Public records of the State Engineer, Application 53828, Permit 14112, Certificate 4395.

² Public record of the State Engineer, Permit 14109, Certificate 4392.

Permit 14112.¹ At that time the ownership of Permit 14112, Certificate 4395 was in the name of Arimetco, Inc.

III.

The State Engineer's Office notified Don H. and Joy M. Tibbals by certified letter, dated September 24, 1991, that if they could not show title to Permit 14112 within 30 days of the date of the letter, the State Engineer would consider denial of Application 53828.¹ This letter to Don H. and Joy M. Tibbals was received by Sadie L. Burnett on October 8, 1991.³ Properly endorsed receipts for the certified notice are on file in the State Engineer's Office. To date, the requested transfer documents for Application 53828 and Permit 14112 has not been received.

CONCLUSIONS

I.

The State Engineer has jurisdiction in this matter under provisions of NRS 533.325, 533.345, 533.375 and 533.385.

II.

The applicant has been properly notified of the requirement of additional documentation needed for the application and has failed to comply with that requirement.

III.

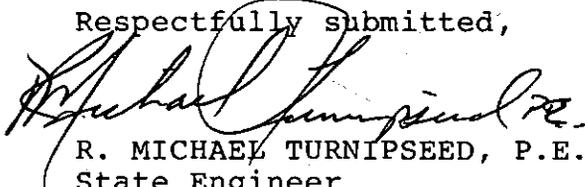
The applicant has failed to show ownership of the water right under Permit 14112, Certificate 4395.

³ See Certified Mail Return Receipt #P 668 480 854 in file 14109, public record of the State Engineer.

RULING

Application 53828 is herewith denied on the grounds that the applicant has failed to submit information required to show ownership of the water right under Permit 14112, Certificate 4395.

Respectfully submitted,



R. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/CB/pm

Dated this 22nd day of
November, 1991.