

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

IN THE MATTER OF APPLICATION 51109 FILED )  
TO APPROPRIATE THE PUBLIC WATERS OF AN )  
UNDERGROUND SOURCE WITHIN THE CHURCHILL )  
VALLEY GROUNDWATER BASIN (102), LYON )  
COUNTY, NEVADA. )

RULING

# 4237

GENERAL

I.

Application 51109 was filed July 14, 1987, by Casey Investments, Inc., to appropriate 0.5 c.f.s. (cubic feet per second) of water from an underground source for commercial purposes to serve 12 light manufacturing or warehouse units with the place of use identified as the SE $\frac{1}{4}$  NW $\frac{1}{4}$  and NE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 17, T.18N., R.25E., M.D.B.&M. The point of diversion is described as being within the NE $\frac{1}{4}$  SW $\frac{1}{4}$  of said Section 17. Application 51109 became ready for action by the State Engineer on February 22, 1988.<sup>1</sup>

Application 51109 was timely protested on December 16, 1987, by the Truckee Carson Irrigation District on the following grounds:

The ground water basin has been designated by the State Engineer, indicating that the Basin is fully appropriated. This application will reduce and adversely affect adjacent and downstream surface waters adjudicated under the Carson River Decree.

Therefore, the protestant requested that the application be denied.<sup>1</sup>

FINDINGS OF FACT

I.

By certified letter sent February 11, 1993, the applicant was requested to submit additional information to the State Engineer's Office regarding his plans concerning Application 51109, specifically a description of the "units" and the annual water quantity needed for each unit.<sup>1</sup>

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<sup>1</sup> File No. 51109, official records in the Office of the State Engineer.

The certified letter to the applicant was returned to the State Engineer's Office by the United States Postal Service marked "Return to Sender - Unknown."<sup>1</sup> The letter was resent by regular mail on February 17, 1993, to the applicant at his address of record. The letter was again returned by the United States Postal Service marked "Undeliverable as Addressed, Forwarding Order Expired."<sup>1</sup>

A copy of the letters was also sent to the applicant's agent of record, Richard Whitney. The State Engineer finds that to date there has been no response has been received from either the applicant or his agent of record regarding the additional information requested by the State Engineer's Office.<sup>1</sup>

#### CONCLUSIONS

##### I.

The State Engineer has jurisdiction over the parties and the subject matter of this action and determination.<sup>2</sup>

##### II.

It is the responsibility of the applicant or its successor in interest to keep this office informed of its current mailing address.

##### III.

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.<sup>3</sup>

The State Engineer is prohibited by law from granting a permit where:

1. There is no unappropriated water at the proposed source, or
2. The proposed use conflicts with existing rights, or
3. The proposed use threatens to prove detrimental to the public welfare.<sup>4</sup>

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<sup>2</sup> NRS Chapters 533 and 534.

<sup>3</sup> NRS 533.375.

<sup>4</sup> NRS 533.370(3).

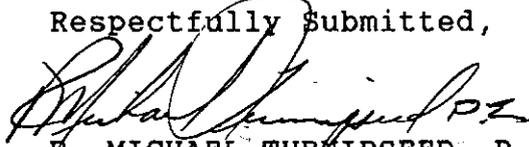
IV.

The applicant was properly notified, based on the records of the State Engineer, of the requirement of additional information concerning this application and has failed to submit the requested information to the State Engineer's Office. The granting of said application without the additional information would not allow the State Engineer to properly guard the public interest and therefore, would be detrimental to the public interest.

RULING

Application 51109 is hereby denied on the grounds that the applicant has not submitted the information requested by the State Engineer's Office, and that without this information, granting of the application would be detrimental to the public interest. As the application is denied, no finding is made as to the protest to Application 51109.

Respectfully Submitted,

  
R. MICHAEL TURNIPSEED, P.E.  
State Engineer

RMT/CAB/ab

Dated this 24th day of  
October, 1995.