

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

IN THE MATTER OF APPLICATION 57801 FILED )  
TO CHANGE POINT OF DIVERSION, AND PLACE )  
AND MANNER OF USE OF A PORTION OF WATER, )  
HERETOFORE APPROPRIATED UNDER PERMIT )  
18024, CERTIFICATE 5604 OF THE PUBLIC )  
WATERS OF AN UNDERGROUND SOURCE, WITHIN )  
THE TRUCKEE MEADOWS BASIN (87), WASHOE )  
COUNTY, NEVADA. )

RULING

# 4283

GENERAL

I.

Application 57801 was filed on June 26, 1992, by Farahi Investment Company to change the point of diversion, and place and manner of use of a portion of water from an underground source heretofore appropriated under Permit 18024, Certificate 5604. The proposed manner of use is for commercial and domestic purposes and the proposed place of use is located within portions of SE $\frac{1}{4}$ NW $\frac{1}{4}$  and W $\frac{1}{2}$ NE $\frac{1}{4}$  Section 17, T.18N., R.20E., M.D.B.&M. The existing point of diversion is described as being located within the NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 36, T.19N., R.19E., M.D.B.&M. The proposed point of diversion is described as being located within the SW $\frac{1}{4}$ NE $\frac{1}{4}$  Section 17, T.18N., R.20E., M.D.B.&M.<sup>1</sup>

FINDINGS OF FACT

I.

The applicant was notified by mail on July 15, 1993, that while Application 57801 was filed in the name of Farahi Investment Company, the owners of record of the base right, Permit 18024, Certificate 5604, are Farahi Investment Company, Parviz and Shahla Banafshe, and Nejat and Farzaneh Farahi. The letter stated that no further action would be taken on Application 57801 until the matter of title was cleared up.<sup>1</sup>

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<sup>1</sup> File No. 57801, official records in the Office of the State Engineer.

The applicant was again notified by certified mail on August 22, 1994, to resolve the ownership discrepancy between the base right and the application. The certified mail return receipt was received from the addressee on August 24, 1994.<sup>1</sup> The notice informed the applicant that failure to respond within 60 days would result in the denial of the application. The State Engineer finds that to date the information requested has not been received from the applicant.<sup>1</sup>

#### CONCLUSIONS

##### I.

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

##### II.

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>

##### III.

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

- A. The proposed use conflicts with existing rights, or
- B. The proposed use threatens to prove detrimental to the public interest.

##### IV.

The applicant has failed to submit the information requested by the State Engineer's Office and the issue of ownership of the base water right is not resolved. The State Engineer concludes that without the additional information, sufficient information is not available to properly guard the public interest.

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

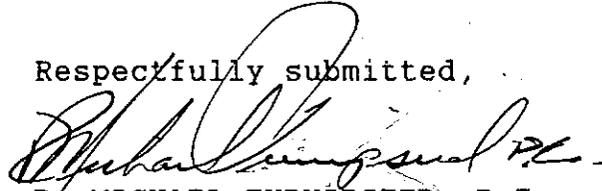
<sup>3</sup> NRS 533.375.

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

RULING

Application 57801 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 the granting of the change application would be detrimental to the public interest.

Respectfully submitted,



R. MICHAEL TURNIPSEED, P.E.  
State Engineer

RMT/SR/ab

Dated this 16th day of  
January, 1996.