

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

IN THE MATTER OF APPLICATION 35377)
FILED TO APPROPRIATE THE PUBLIC)
WATERS FROM AN UNDERGROUND SOURCE)
WITHIN THE LAKE TAHOE HYDROGRAPHIC)
BASIN (090), DOUGLAS COUNTY,)
NEVADA.)

RULING

5038

GENERAL

I.

Application 35377 was filed on May 3, 1978, by G.D.H. Development, Inc. to appropriate 0.25 cubic feet per second of water from an underground source for quasi-municipal and domestic purposes within a portion of Lot No. 3 of Section 34, T.14N., R.18E., M.D.B.&M. The proposed point of diversion is described as being located within Lot No. 3 of Section 34, T.14N., R.18E., M.D.B.&M.¹

FINDINGS OF FACT

I.

The applicant was requested by certified letter dated February 8, 2001, to provide the office of the State Engineer with evidence that it still has an interest in pursuing Application 35377. The applicant was also informed that if a response was not received within 60 days from the date of the letter the application may be considered for denial. The February 8, 2001, letter was returned to the office of the State Engineer with the envelope stamped "Return to Sender Attempted Not Deliverable As Addressed - Unable To Forward" by the United States Postal Service.¹

¹ File No. 35377, official records in the office of the State Engineer.

The State Engineer finds that to date no information indicating any further interest by the applicant in pursuing Application 35377 has been received in the office of the State Engineer.

II.

It has been a long standing policy within the office of the State Engineer that it is the applicant's responsibility to inform said office of any changes which may occur in the ownership and address associated with a specific water right application. The State Engineer finds that the owner of record under Application 35377 was properly noticed of the opportunity to express its continued interest in pursuing Application 35377, but has failed to do so; therefore, Application 35377 may be considered for denial.

CONCLUSIONS

I.

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

II.

The State Engineer is prohibited by law from granting a permit to appropriate the public waters where:³

- A. there is no unappropriated water at the proposed source;
- B. the proposed use conflicts with existing rights;
or
- C. the proposed use threatens to prove detrimental to the public interest.

III.

On February 8, 2001, the applicant was requested by the office of the State Engineer to provide information of continued interest that it may have in pursuing Application

² NRS chapters 533 and 534.

³ NRS § 533.370(3).

35377. The applicant was informed that a failure to respond to the request would represent a lack of interest in this matter and would result in said application being considered for denial. The applicant failed to provide any indication that it intends to move forward with Application 35377. Therefore, the State Engineer concludes that it would threaten to prove detrimental to the public interest to approve an application which the applicant no longer intends to pursue.

RULING

Application 35377 is hereby denied on the grounds that granting said application would threaten to prove detrimental to the public interest.

Respectfully submitted,



HUGH RICCI, P.E.
State Engineer

HR/MJR/hf

Dated this 19th day of
June, 2001.