

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATION 41956)
FILED TO CHANGE THE POINT OF)
DIVERSION AND PLACE OF USE OF A)
PORTION OF CARSON RIVER, DOUGLAS)
COUNTY, NEVADA.)

RULING

GENERAL

I.

Application 41956 was filed by Donald E. and Suzan Bentley to change the point of diversion and place of use of 0.3383 c.f.s. (122.35 AF) of the Carson River as evidenced by certain pages in the Carson River Decree. The applicant seeks the right to change the water to the Allerman Canal SE1/4 SE1/4 Section 23, T.12N., R.20E., M.D.B.&M.¹ for use on 252.75 acres in the W1/2 and NE1/4 Section 27 T.15N., R.20E., M.D.B.&M.

II.

Additional information pertaining to the basis of the change application was requested on June 24, 1987, pursuant to NRS 533.375.²

FINDINGS OF FACT

I.

The State Engineer has not received the additional information requested on June 24, 1987.

II.

The State Engineer finds that it would not be in the public interest to approve an application to change the place of use or the point of diversion of Carson River decreed rights without the additional information requested.

¹ File 41956 public record in the office of the State Engineer.

² See letter in file 41956 dated June 25, 1987, certified mail number P 124 702 055.

CONCLUSIONS

I.

The State Engineer has jurisdiction over the matter described herein.³

II.

The State Engineer is prohibited by law from granting a permit under a change application where:³

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

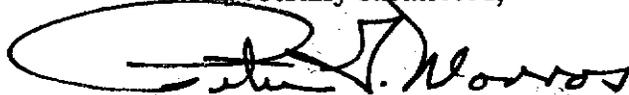
III.

The State Engineer concludes that to approve this application would not be in the public interest.

RULING

Application 41956 is hereby denied on the grounds that the additional information requested was not supplied and to approve the application without the additional information would not be in the public interest.

Respectfully submitted,



Peter G. Morros
State Engineer

PGM/RMT/bk

Dated this 28th day of
June, 1988.

³ NRS Chapter 533.