

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

IN THE MATTER OF APPLICATIONS 48131 AND )  
54399 FILED TO APPROPRIATE THE PUBLIC )  
WATERS OF AN UNDERGROUND SOURCE WITHIN )  
FERNLEY AREA GROUNDWATER BASIN, LYON )  
COUNTY, NEVADA. )

RULING

# 4001

GENERAL

I.

Application 48131 was filed June 22, 1984 by Estrella Development Co., Inc. to appropriate 0.5 c.f.s. (cubic feet per second) of water from an underground source for commercial purposes to serve a restaurant, motel and fuel facilities in the NE1/4 NE1/4 Section 10, T.20N., R.24E., M.D.B.&M. The point of diversion is described as being within the NE1/4 NE1/4 of said Section 10. Application 48131 became ready for the State Engineer's action October 7, 1984.<sup>1</sup>

II.

Application 54399 was filed January 31, 1990, by Desert Rose Incorporated to appropriate 0.11 c.f.s. of water from an underground source for quasi-municipal purposes to serve a RV park, manager's residences and landscaping requirements in parts of the SE1/4 SW1/4, SW1/4 SE1/4 and SE1/4 SE1/4 of Section 15, T.20N., R.25E., M.D.B.&M. The point of diversion is described as being within SW1/4 SE1/4 of said Section 15. Application 54399 became ready for the State Engineer's action May 20, 1990.<sup>2</sup>

Application 54399 was timely protested April 20, 1990 by the Truckee Carson Irrigation District for the following reasons and on the following grounds:

This application, if granted, will tend to adversely affect existing water rights since the diversion will consumptively use water from a groundwater basin which has been fully appropriated and designated by the State Engineer.

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<sup>1</sup> Public record in the office of the State Engineer, Application 48131.

<sup>2</sup> Public record in the office of the State Engineer, Application 54399.

Therefore the protestant requests that the application be denied.<sup>2</sup>

FINDINGS OF FACT

I.

The applicant of Application 48131 was notified by certified mail February 10, 1993 to submit additional information to the State Engineer's office regarding his plans concerning Application 48131. The applicant was requested to send information concerning the number of motel units, the number of restaurant seats, and a description of the fuel station.

The certified letter to the applicant was returned to the State Engineer's office by the United States Postal Service marked "Moved, left no address."<sup>3</sup>

The letter was sent certified mail to the applicant's agent, George H. Denson. The return receipt for the certified mail was received in the State Engineer's office February 16, 1993.<sup>4</sup> To date there has been no response from the agent regarding Application 48131.<sup>1</sup>

II.

The applicant of Application 54399 was notified by certified mail January 28, 1993 to submit additional information to the State Engineer's office regarding his plans concerning Application 54399. The applicant was requested to send information concerning the number of manager units, RV spaces and recreation and landscaped areas.<sup>5</sup>

The return receipt from the certified mail shows that the letter was received by the applicant on January 29, 1993.<sup>5</sup> To date

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<sup>3</sup> Public record in the office of the State Engineer, Certified Mail Return Receipt P 139 029 818 filed in Application 48131.

<sup>4</sup> Public record in the office of the State Engineer, Certified Mail Return Receipt P 139 029 832.

<sup>5</sup> Public record in the office of the State Engineer, Certified Mail Return Receipts P 139 029 819 filed in Application 54399.

there has been no reply from the applicant regarding Application 54399.<sup>2</sup>

CONCLUSIONS

I.

The State Engineer has jurisdiction of the parties and the subject matter of this action and determination under the provisions of NRS 533.325, NRS 533.335, and NRS 533.340.

II.

Before either approving or rejecting an application, the State Engineer may require such additional information as will enable him to guard the public interest properly.<sup>6</sup>

III.

The applicants of Applications 48131 and 54399 have been properly notified of the requirement for additional information concerning these applications and have failed to submit the required information to the State Engineer's office. Therefore, sufficient information is not available to the State Engineer to properly guard the public interest.

RULING

Applications 48131 and 54399 are hereby denied on the grounds that the applicants have not submitted the information requested by the State Engineer's office, and therefore, the granting of permits for these applications without the additional information would not be in the public interest. Furthermore, no finding is made as to the protest to Application 54399.

Respectfully submitted,



R. MICHAEL TURNIPSEED, P.E.  
State Engineer

RMT/CAB/pm

Dated this 14th day of  
June, 1993.

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<sup>6</sup> NRS 533.375.