

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

IN THE MATTER OF APPLICATION 49387)
FILED TO APPROPRIATE THE PUBLIC)
WATERS OF AN UNDERGROUND SOURCE)
WITHIN THE PLEASANT VALLEY)
GROUNDWATER BASIN (88), WASHOE)
COUNTY, NEVADA.)

RULING

4291

GENERAL

I.

Application 49387 was filed on September 12, 1985, by Southwest Pines Property Owners Association/Washoe County to appropriate 0.237 cubic feet per second (cfs), 171.7 acre-feet annually of water from an underground source for quasi-municipal purposes within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 10, T.17N., R.19E., M.D.B.&M.¹ The point of diversion is described as being located within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 4, T.17N., R.19E., M.D.B.&M. Application 49387 became ready for action by the State Engineer on January 9, 1986.¹

FINDINGS OF FACT

I.

By certified letter sent July 20, 1995, the applicants were requested to submit additional information to the State Engineer's Office regarding their plans concerning Application 49387, specifically, the current status of the project, including the applicants' ability to complete the project, the anticipated time of completion, evidence that the place of use is owned by the applicants and additional information concerning the annual consumptive use of the water applied for.¹ The applicants were informed to respond within 30 days to the request for information, otherwise, the application would be denied. An endorsed receipt for the certified letter was received in the Office of the State Engineer on July 24, 1995. The State Engineer finds that no

¹ File No. 49387, official records of the Office of the State Engineer.

response to the request for information was received in the Office of the State Engineer.

CONCLUSIONS

I.

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

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.³

III.

The State Engineer is prohibited by law from granting a permit under an application to appropriate the public waters 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 interest.⁴

IV.

The applicants were properly notified of the requirement of additional information concerning this application and have failed to submit the requested information. The State Engineer concludes that without the additional information requested sufficient information is not available for the State Engineer to properly guard the public interest.

² NRS Chapters 533 and 534.

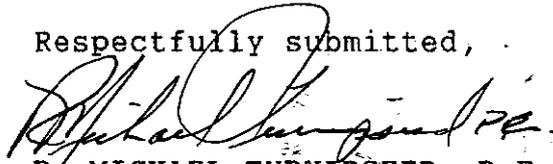
³ NRS 533.375.

⁴ NRS 533.370(3).

RULING

Application 49387 is hereby denied on the grounds that the applicants have not submitted the information requested by the State Engineer's Office, and that without this information, granting of said application would be detrimental to the public interest.

Respectfully submitted,


R. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/BEM/ab

Dated this 29th day of
January, 1996.