

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

IN THE MATTER OF APPLICATION 29147)
FILED TO APPROPRIATE THE PUBLIC)
WATERS FROM LAKE TAHOE WITHIN THE)
LAKE TAHOE BASIN HYDROGRAPHIC)
BASIN (090), WASHOE COUNTY,)
NEVADA.)

RULING

5037

GENERAL

I.

Application 29147 was filed on January 14, 1975, by Howard M. Byars, Tosca Byars, James A. Thornton, and Yvonne L. Thornton to appropriate 0.10 cubic feet per second of water from Lake Tahoe for domestic use purposes within a portion of Lot No. 3 of the SE¼ of Section 19, T.16N., R.18E., M.D.B.&M. The proposed point of diversion is described as being located within Lot No. 3 of the SE¼ of Section 19, T.16N., R.18E., M.D.B.&M.¹

FINDINGS OF FACT

I.

The applicants and their agent were requested by certified letter dated February 8, 2001, to provide the office of the State Engineer with evidence that they still have an interest in pursuing Application 29147. The applicants were 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, Not Deliverable as Addressed - Unable to Forward" by the United

¹ File No. 29147, official records in the office of the State Engineer.

States Postal Service.¹ The State Engineer finds that to date no information indicating any further interest by the applicants in pursuing Application 29147 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 owners of record under Application 29147 were properly noticed of the opportunity to express their continued interest in pursuing Application 29147, but have failed to do so; therefore, Application 29147 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 applicants were requested by the office of the State Engineer to provide information of continued interest they may have in pursuing Application 29147. The applicants were informed that a failure to

² NRS chapter 533.

³ NRS § 533.370(3).

respond to the request would represent a lack of interest in this matter and would result in said application being considered for denial. The applicants failed to provide any indication that they intend to move forward with Application 29147; therefore, the State Engineer concludes that it would threaten to prove detrimental to the public interest to approve an application which the applicants no longer intend to pursue.

RULING

Application 29147 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.