

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

IN THE MATTER OF APPLICATION 52636)
FILED TO APPROPRIATE THE PUBLIC)
WATERS OF AN UNDERGROUND)
SOURCE WITHIN THE LONG VALLEY)
HYDROGRAPHIC BASIN (100A), WASHOE)
COUNTY, NEVADA.)

RULING
5173

GENERAL

I.

Application 52636 was filed on October 24, 1988, by E.J. Nicholson, to appropriate 4.5 cubic feet per second of water from an underground source for mining purposes. The place of use is described as being located within Lots 20, 21, 22, and 23 of Section 6, T.20N., R.18E., M.D.B.&M. The point of diversion is described as being located within Lot 21 of said Section 6.¹

II.

Application 52636 was timely protested by the Reno Park Water Company on the following grounds.¹

The application if granted will adversely affect existing water rights of protestant since any appropriation will use water from a ground water basin which has been fully appropriated and designated by the State Engineer. Protestant is further advised that applicant does not own any property on which to prove beneficial use. Further, protestant is a public utility which should service any additional water needs in the area. THEREFORE the protestant requests that the application be denied and that an order be entered for such relief as the State Engineer deems just and proper.

FINDINGS OF FACT

I.

The applicant was notified by certified mail dated August 28, 2002, to advise this office in writing if he was interested in pursuing Application 52636. The applicant was warned that failure to respond within 30 days would result in denial of the application. A

¹ File No. 52636, official records in the Office of the State Engineer.

properly endorsed certified mail receipt was received from the applicant on September 3, 2002.¹

To date, no information on this matter has been submitted to the State Engineer's Office. The State Engineer finds that the applicant was properly notified of the request for additional information regarding interest in pursuing Application 52636 and failed to respond.

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 water where:⁴

- A. there is no unappropriated water at the proposed source;
- B. the proposed use or change conflicts with existing rights;
- C. the proposed use or change conflicts with protectible interests in existing domestic wells as set forth in NRS § 533.024; or
- D. the proposed use or change threatens to prove detrimental to the public interest.

IV.

The applicant was properly notified of the requirement for additional information concerning this application and has failed to submit the information to the State Engineer's Office. The State Engineer concludes that the failure to express any interest in the application demonstrates the applicant's lack of interest in pursuing Application 52636. The State Engineer concludes it would threaten to prove detrimental to the public interest to issue a permit under an application for which no interest is expressed.

² NRS chapters 533 and 534.

³ NRS § 533.375.

⁴ NRS § 533.370(3).

RULING

Application 52636 is hereby denied on the grounds its issuance would threaten to prove detrimental to the public interest. No ruling is made on the merits of the protest claims.

Respectfully submitted,



HUGH RICCI, P.E.
State Engineer

HR/TW/jm

Dated this 19th day of
November, 2002.