

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

IN THE MATTER OF APPLICATIONS 50858)
AND 50859 FILED TO APPROPRIATE THE)
PUBLIC WATERS OF SEVERAL)
UNNAMED SPRINGS WITHIN THE LONG)
VALLEY HYDROGRAPHIC BASIN (100A),)
WASHOE COUNTY, NEVADA.)

RULING
5175

GENERAL

I.

Application 50858 was filed on April 28, 1987, by Northern Nevada Land Co. to appropriate 0.25 cubic feet per second (cfs) of water from an Unnamed Spring for stockwatering and domestic purposes. The place of use is described as being located within the E½ of Section 7, T.22N., R.18E., M.D.B.&M. The point of diversion is described as being located within the NE¼ NW¼ of Section 8, T.22N., R.18E., M.D.B.&M.¹

II.

Application 50859 was filed on April 28, 1987, by Northern Nevada Land Co. to appropriate 0.25 cfs of water from an Unnamed Spring for stockwatering and domestic purposes. The place of use is described as being located within the E½ of Section 17, T.22N., R.18E., M.D.B.&M. The point of diversion is described as being located within the SE¼ SW¼ of Section 9, T.22N., R.18E., M.D.B.&M.²

III.

Application 50858 was timely protested by David K. Rice, Acting Director of the Nevada Department of Wildlife, on the following grounds.¹

The seeps and springs in this portion of the Peterson Mountains are critical to the welfare of resident mule deer. Currently there are 200 to 300 head of deer utilizing these and other water sources on top of the Petersons. These deer utilize these springs and others depending upon the climatic conditions of given years. We are not certain of the capabilities of these sources to produce the applicant's requests (.25 cfs). Therefore, we do not

¹ File No. 50858, official records in the Office of the State Engineer.

² File No. 50859, official records in the Office of the State Engineer.

believe that the opportunity exists to provide water at the source for wildlife.

THEREFORE the protestant requests that the application be Denied.

IV.

Application 50859 was formally protested by David K. Rice, Acting Director of the Nevada Department of Wildlife, on the following grounds.²

The seeps and springs in this portion of the Peterson Mountains are critical to the welfare of resident mule deer. Currently there are 200 to 300 head of deer utilizing these and other water sources on top of the Petersons. These deer utilize these springs and others depending upon the climatic conditions of given years. We are not certain of the capabilities of these sources to produce the applicant's requests (.25 cfs). Therefore, we do not believe that the opportunity exists to provide water at the source for wildlife.

THEREFORE the protestant requests that the application be Denied.

FINDINGS OF FACT

I.

The applicant was notified by certified mail dated September 18, 2002, to advise this office in writing if it was interested in pursuing Applications 50858 and 50859. The certified mail was sent to both addresses on file. The applicant was warned that failure to respond within 30 days would result in denial of the applications. The certified letters to the applicant were returned to the Office of the State Engineer by the U. S. Postal Service stamped "Returned To Sender".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 Applications 50858 and 50859 and failed to respond.

II.

The State Engineer finds that it is the responsibility of the applicant or their successors in interest to keep this office informed of a current mailing address.

CONCLUSIONS

I.

The State Engineer has jurisdiction over the parties and the subject matter of this action and determination.³

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.⁴

III.

The State Engineer is prohibited by law from granting a permit under an application to appropriate the public water where:⁵

- 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 these applications and has failed to submit the information to the State Engineer's Office. The State Engineer concludes that the failure to maintain a current mailing address or express any interest in the applications demonstrates the applicant's lack of interest in pursuing Applications 50858 and 50859. The State Engineer concludes that it would threaten to prove detrimental to the public interest to issue a permit under an application for which no interest is expressed.

³ NRS chapter 533.

⁴ NRS § 533.375.

⁵ NRS § 533.370(3).

RULING

Applications 50858 and 50859 are 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.