

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

IN THE MATTER OF APPLICATION 17823)
FILED TO APPROPRIATE THE PUBLIC)
WATERS OF PINE NUT CREEK WITHIN THE)
CARSON VALLEY HYDROGRAPHIC BASIN)
(105), DOUGLAS COUNTY, NEVADA.)

RULING

#5259

5-2-59

GENERAL

I.

Application 17823 was filed on February 9, 1959, by Martin, Milton, and Douglas Sorensen to appropriate 6.0 cubic feet per second of water from Pine Nut Creek for irrigation and domestic purposes. The proposed place of use is described as being located within portions of the S $\frac{1}{2}$ of Section 11 and NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 14, T.12N., R.21E., M.D.B.&M. The proposed point of diversion is described as being located within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 24, T.12N., R.21E., M.D.B.&M.¹

II.

The application was timely protested by James A. Hussman on the grounds that his rights on the source would be irreparably damaged.¹

III.

The application was timely protested by Stoddard Jacobsen on the grounds that there is no unappropriated water and the granting of the application would injure his vested and other water rights.¹

FINDINGS OF FACT

I.

The applicant was notified by certified mail dated February 26, 2003, to submit additional information to the State Engineer's

¹ File No. 17823, official records in the Office of the State Engineer.

Office and to advise this office in writing if he was interested in pursuing Application 17823. The applicant was warned that failure to respond within 30 days would result in denial of the application. The certified letter to the applicant was returned to the Office of the State Engineer by the U.S. Postal Service stamped "Not Deliverable As Addressed" and "Unable To Forward."¹ To date, the applicant has expressed no interest in pursuing this application. The State Engineer finds that the applicant was properly notified of the request for additional information regarding interest in pursuing Application 17823 and failed to respond.

II.

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

III.

The State Engineer finds that there has been no correspondence from the applicant regarding Application 17823 for at least 43 years.¹

CONCLUSIONS

I.

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

² NRS chapter 533.

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 interest in 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 for over 43 years and failure to maintain a current address demonstrates the applicant's lack of interest in pursuing Application 17823. 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.

³ NRS § 533.375.

⁴ NRS § 533.370(3).

RULING

Application 17823 is hereby denied on the grounds that its issuance would threaten to prove detrimental to the public interest. No ruling is made on the merits of the protests.

Respectfully submitted,



HUGH RICCI, P.E.
STATE ENGINEER

HR/TW/dl

Dated this 6th day of
June, 2003.