

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

IN THE MATTER OF APPLICATION 54526)
FILED TO APPROPRIATE THE PUBLIC)
WATERS OF AN UNDERGROUND)
SOURCE WITHIN THE LAKE TAHOE)
BASIN HYDROGRAPHIC BASIN (90,))
CARSON CITY, NEVADA.)

RULING

#5504

GENERAL

I.

Application 54526 was filed on March 13, 1990, by William W. Bliss to appropriate 0.05 cubic feet per second of water from an underground source for quasi-municipal and domestic purposes. The proposed place of use is described as being located within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 22, NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 23, T.15N., R.18E., M.D.B.&M. The proposed point of diversion is described as being located within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 23.¹

FINDINGS OF FACT

I.

Application 54526 was filed for the purpose of obtaining a permit for underground water to serve four single-family residential homes. The stated intent of the application is to use this water as a backup for waters granted under Permit 9253, Certificate 1707. This water is intended to be supplemental to the waters of Poett Spring under Permit 9253, Certificate 1707 and to Application 54525, which was filed simultaneously with Application 54526 for the excess waters of Poett Spring. Application 54525 was subsequently withdrawn on November 2, 1990.¹

Application 54526 could not be acted on by the State Engineer's office due to a number of unresolved issues, which were detailed in a letter to the applicant's agent. Subsequently, the applicant's agent contacted the Office of the State Engineer by letter and indicated that the applicant conveyed his entire interest in the real property and the

¹ File No. 54526, official records in the Office of the State Engineer.

water rights to the United States Forest Service. The agent recommended contacting the United States Forest Service to resolve any issues with this application.¹

The United States Forest Service was contacted regarding the application by letter dated May 15, 1998. An examination of the file shows that no response to this inquiry was received.¹

Subsequently, both the applicant and the United States Forest Service were contacted by certified mail and asked to submit a written response regarding further interest in pursuing the application. The United States Forest Service responded by letter and indicated that the USDA Forest Service did not acquire the base water right associated with the four dwellings on the property in question, and therefore does not have any ownership interest in the associated supplemental water right referred to in Application 54526. The applicant also responded by letter and indicated that he had conveyed the property to the United States Forest Service and does not intend to pursue this application.¹

The State Engineer finds that the applicant and his potential successor in interest do not intend to pursue Application 54526.

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

² NRS chapters 533 and 534.

³ NRS § 533.375.

⁴ NRS § 533.370(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.

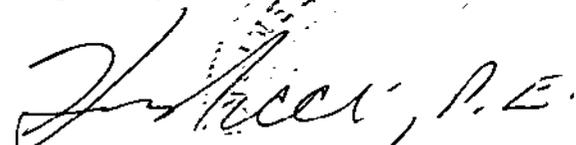
IV.

The State Engineer concludes that approval of an application, where both the applicant and his potential successor in interest have expressly stated no interest, would threaten to prove detrimental to the public interest.

RULING

Application 54526 is hereby denied on the grounds its issuance would threaten to prove detrimental to the public interest.

Respectfully submitted,


HUGH RICCI, P.E.
State Engineer

HR/TW/jm

Dated this 6th day of
September, 2005.