

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

IN THE MATTER OF APPLICATION 74372 FILED)
TO CHANGE THE POINT OF DIVERSION, PLACE)
OF USE AND MANNER OF USE OF A PORTION)
OF WATER OF AN UNDERGROUND SOURCE)
PREVIOUSLY APPROPRIATED UNDER PERMIT)
26778, CERTIFICATE 9347 WITHIN THE)
CHURCHILL VALLEY HYDROGRAPHIC BASIN)
(102), LYON COUNTY, NEVADA.)

RULING

#6314

GENERAL

I.

Application 74372 was filed on June 9, 2006, by the Sullivan/Crosby Trust, dated April 21, 2003, to change 0.7474 cubic feet per second of water from an underground source, a portion of water previously appropriated under Permit 26778, Certificate 9347 for irrigation and domestic purposes. The proposed point of diversion is described as being located within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 31, T.18N., R.24E., M.D.B.&M. The existing point of diversion is described as being located within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 31, T.17N., R.25E., M.D.B.&M. The proposed manner and place of use are described as quasi-municipal purposes within the Stagecoach G.I.D., as further described on Exhibit A of the Application. The existing place of use is described as being located within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ (18 acres), NE $\frac{1}{4}$ NE $\frac{1}{4}$ (38 acres), of Section 31, T.17N., R.25E., M.D.B.&M.¹

II.

Application 74372 was timely protested by the Pyramid Lake Paiute Tribe on grounds not to be considered in this ruling.¹

FINDINGS OF FACT

I.

The Applicant was served by certified mail dated December 17, 2014, with a request to submit additional information regarding Application 74372 to the State Engineer's office. A copy of the letter was also sent to the Applicant's agent. The Applicant was warned that failure to respond within 30 days might result in denial of the Application. The certified letter was returned by the U.S. Postal Service marked "Not Deliverable As Addressed Unable To Forward"

¹ File No. 74372, official records in the Office of the State Engineer.

on December 24, 2014. The letter for the agent was returned by the U.S. Postal Service marked “Attempted – Not Known Unable To Forward” on January 2, 2015. A review of the application file shows that the last correspondence from the Applicant or its agent was over 8 years ago. From that time forward, there is no evidence within the application file indicating that the Applicant is interested in pursuing this application.¹

The State Engineer finds that the Applicant was properly served with the request for additional information regarding interest in pursuing Application 74372 and has failed to respond. The State Engineer further finds that there has been no correspondence from the Applicant for over 8 years.

CONCLUSIONS OF LAW

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 a change application that requests to appropriate the public waters 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 protectable 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 served with the requirement for additional information and has failed to submit the information to the Office of the State Engineer. The State Engineer concludes that the failure to express any interest in the application for over 8 years and the failure to submit requested information demonstrates the Applicant’s lack of interest in pursuing

² NRS Chapters 533 and 534.

³ NRS § 533.375.

⁴ NRS § 533.370(2).

Application 74372. The State Engineer concludes it would threaten to prove detrimental to the public interest to issue a permit under these circumstances.

RULING

Application 74372 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.

Respectfully submitted,



JASON KING, P.E.
State Engineer

Dated this 5th day of
May, 2015.