

IN THE MATTER OF APPLICATION 26680)
FILED BY ART MCKAY TO APPROPRIATE)
WATER FROM AN UNDERGROUND SOURCE IN)
WASHOE COUNTY, NEVADA.)

R U L I N G

GENERAL:

Application 26680 was filed on April 24, 1972, by Art McKay for permission to change the point of diversion of Permit 23419. Permit 23419 was issued for 4.5 c.f.s. from an underground source within the NE $\frac{1}{2}$ NW $\frac{1}{4}$ Sec. 12, T.35N., R.23E., M.D.B.&M., for the irrigation of Lots 2, 3, and 5, Sec. 1, T.35N., R.23E., M.D.B.&M., and NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ Sec. 36, T.36N., R.23E., M.D.B.&M. Application 26680 was subsequently filed to change the point of diversion of Permit 23419 to the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 1, T.35N., R.23E., M.D.B.&M.

Application 26680 became ready for action on August 7, 1972. Although there were no conflicting water rights on the place of use, it was found that the proposed point of diversion was located on land on which there exists Permits 23122 and 21419, both in the name of Leo L. and Aldo Mantelli. By certified letter of March 8, 1973, Mr. Walter G. Reid, agent for the applicant, was notified of the conflict of ownership and it was requested that clarification be submitted. On May 17, 1973, during a visit to the Office of the State Engineer, Mr. Reid indicated that all property appurtenant to Permits 26680, 23122, and 21419 would shortly be brought into common ownership which would resolve the conflict.

No further information on this matter was received, and, therefore, on January 4, 1974, by certified letter, both Mr. Reid and the applicant were again requested to submit clarification of the ownership of the property or to submit any right-of-way agreement which might exist. To date no reply to this second letter has been received.

RULING

Application 26680 is herewith denied on the grounds that the applicant has failed to submit requested information necessary before a permit could be issued.

Respectfully submitted,


Roland D. Westergard
State Engineer

RDW:BAR:jw

Dated this 26th day
of June, 1974.