

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATIONS 45644)
AND 45645 FILED TO CHANGE THE WATERS)
OF AN UNDERGROUND SOURCE IN THE)
WINNEMUCCA SEGMENT, HUMBOLDT)
COUNTY, NEVADA.)

RULING

FINDINGS OF FACT

I.

Application 45644 was filed on May 10, 1982, by Geoffrey V. Cecchi, N. Keith Kellison and Richard T. Short to change the point of diversion of Permit 36407. The point of diversion was from an underground source within the SE1/4 NE1/4 Section 28, T.35N., R.37E., M.D.B.&M., and the water was to be used for quasi-municipal and domestic purposes within Section 28, T.35N., R.37E., M.D.B.&M.

Application 45645 was filed on May 10, 1982, by Geoffrey V. Cecchi, Richard T. Short and N. Keith Kellison to change the point of diversion of Permit 35873. The point of diversion was from an underground source at the same point of diversion as Application 45644. The water was to be used for quasi-municipal and domestic purposes within Section 28, T.35N., R.37E., M.D.B.&M.

II.

There is a recorded subdivision within the proposed place of use. It is the policy of the office of the State Engineer to require at least one backup well for quasi-municipal water systems under approved subdivisions. The proposed changes under Applications to Change 45644 and 45645 would move the points of diversion to one well, therefore, not meeting the requirement for a backup source of water for the existing use.

III.

Proofs of completion under Permits 35873 and 36407 were due on April 19, 1982. The due dates have been extended to April 19, 1985.

CONCLUSIONS

I.

The State Engineer has jurisdiction of the parties and the subject matter of this action.¹

¹ NRS 533.025 and NRS 533.030, subsection 1.

II.

The State Engineer is prohibited by law from granting a permit where:

- A. there is no unappropriated water in the proposed source, or
- B. the proposed use conflicts with existing rights, or
- C. the proposed use threatens to prove detrimental to the public welfare.²

III.

It would not be in the public interest to have only one well as a source of water for a subdivision of 480 units. Applicants have failed to show due diligence or demonstrate that they have been unable to develop adequate sources of water at the present point of diversion under Permits 35873 and 36407.

RULING

Applications 45644 and 45645 are hereby denied on the grounds that it would not be in the public interest to have only one source of water for a 480 unit subdivision.

Respectfully submitted



Peter G. Morros
State Engineer

PGM/KN/bl

Dated this 12th day of
SEPTEMBER, 1984.

² NRS 533.370, subsection 3.