

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATION 43757)
FILED TO CHANGE THE POINT OF)
DIVERSION OF THE WATERS OF AN)
UNDERGROUND SOURCE HERETOFORE)
APPROPRIATED UNDER PERMIT 22314 IN)
CARSON VALLEY, DOUGLAS COUNTY,))
NEVADA.)

RULING

GENERAL

Application 43757 was filed on May 18, 1981, by Heritage Land & Cattle Co. to change the point of diversion of 2.25 c.f.s. of water from an underground source for irrigation and domestic purposes heretofore appropriated under Permit 22314. The place of use is described as being within the SE1/4 SE1/4, NE1/4 SE1/4, SW1/4 SE1/4, NW1/4 SE1/4, SE1/4 SW1/4, NE1/4 SW1/4 Section 25; NE1/4 NE1/4, SE1/4 NE1/4, NW1/4 NE1/4 Section 36, T.12N., R.19E., M.D.B.&M.; SW1/4 SW1/4, NW1/4 SW1/4, SW1/4 NW1/4 Section 30; NW1/4 NW1/4, SW1/4 NW1/4 Section 31, T.12N., R.20E., M.D.B.&M. The point of diversion is described as being within the SW1/4 NW1/4 Section 31, T.12N., R.20E., M.D.B.&M.¹

FINDINGS OF FACT

I.

The applicant was notified by certified mail on February 1, 1982, July 9, 1982, October 7, 1982, and August 4, 1983, to submit additional information to the State Engineer's office regarding the assignment of the base right, Permit 22314, specifically requesting data concerning the transfer of ownership documents and filing fees.

The return receipts were received from the addressee on February 12, 1982, July 16, 1982, October 15, 1982, and August 16, 1983. To date no response has been received from the applicant by the office of the State Engineer.¹

II.

The applicant was again notified by certified mail on May 7, 1986, to submit the additional information requested by the State Engineer's office. The return receipt was received from the addressee on May 13, 1986. To date no response has been received from the applicant by the office of the State Engineer.¹

CONCLUSIONS

I.

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

¹ Public record in the office of the State Engineer.

² NRS Chapters 533 and 534.

II.

Before either approving or rejecting an application, the State Engineer may require such additional information as will enable him to guard the public interest properly.³

III.

The State Engineer is prohibited by law from granting a permit under an application to appropriate the public waters where:⁴

- A. There is no unappropriated water at the proposed source, or
- B. The proposed use conflicts with existing rights, or
- C. The proposed use threatens to prove detrimental to the public interest.

IV.

The applicant has failed, to date, to submit the information requested by the State Engineer's office, and therefore sufficient information is not available to the State Engineer to guard the public interest properly.

RULING

Application 43757 is herewith denied on the grounds that the applicant has not submitted the information requested by the State Engineer's office and, therefore, the granting of said application without the requested information would not be in the public interest.

Respectfully submitted,



PETER G. MORROS
State Engineer

PGM/MM/bl

Dated this 19th day of
June, 1986.

³ NRS 533.375.

⁴ NRS 533.370(3).