

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

IN THE MATTER OF TEMPORARY APPLICATION)  
54644-T FILED TO CHANGE THE PLACE OF )  
USE OF A PORTION OF THE PUBLIC WATERS )  
OF THE TRUCKEE AND CARSON RIVERS IN )  
CARSON DESERT, CHURCHILL COUNTY, )  
NEVADA. )

RULING

#3823

GENERAL

I.

Temporary Application 54644-T was filed on April 10, 1990, by John and Vella Torvik to change the place of use of 204.53 acre-feet a portion of water from the Truckee River and Carson River heretofore decreed under United States of America v. Orr Water Ditch Co. in Equity No. A. 3 Claim No. 3; United States of America v. Alpine Land & Reservoir Co. D.C. No. D-183 BRT.

The proposed and existing point of diversion was from Lahontan Dam within the SW1/4 SE1/4 Section 33, T.19N., R.26E., M.D.B.&M. The proposed place of use was 10.7 acres within the SE1/4 SE1/4 Section 26, 0.92 acres within the NE1/4 NW1/4 Section 25, 1.36 acres within the NW1/4 NW1/4 Section 25, T.19N., R.29E., M.D.B.&M., 10.4 acres within the NE1/4 SE1/4 Section 29, 22.23 acres within the NW1/4 SE1/4 Section 29, 1.78 acres within the NW/14 NE1/4 Section 31, 0.90 acres within the NE1/4 NW1/4 Section 31, 4.1 acres within the NW/14 NW1/4 Section 31, 2.36 acres within the SE1/4 NW1/4 Section 31, and 0.63 acres within the SW1/4 NW1/4 Section 31, T.19N., R.30E., M.D.B.&M. The manner of use remains unchanged.<sup>1</sup>

FINDINGS OF FACT

I.

If the State Engineer determines that the temporary change may not be in the public interest, or may impair the water rights held by other persons, he shall give notice of the application as provided in NRS 533.360.<sup>2</sup>

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1 Public record in the office of the State Engineer.

2 NRS 533.345(3).

II.

In view of the fact that the Pyramid Lake Paiute Indian Tribe protests all such similar changes of the waters of the Truckee and Carson River, it is the determination of this office that the public should be afforded an opportunity to comment on Temporary Application 54644-T.<sup>3</sup>

III.

The Applicant was notified by letter from the State Engineer's Office dated July 16, 1990, to submit an additional \$50.00 (fifty Dollar) fee to cover the cost associated with publishing Temporary Application 54644-T, in accordance with NRS 533.360.<sup>1</sup> No fee was submitted as a result of that notice.<sup>4</sup>

CONCLUSIONS

I.

The State Engineer has jurisdiction in this matter under the provisions of NRS 533.325 and NRS 533.435.<sup>5</sup>

II.

If an applicant is seeking a temporary change of place of diversion, manner of use or place of use of water already appropriated, the State Engineer shall approve the application if:

- A. The application is accompanied by the prescribed fees;
- B. The temporary change is in the public interest; and
- C. The temporary change does not impair the water rights held by other persons.<sup>6</sup>

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<sup>3</sup> Notification by the State Engineer's office dated July 16, 1990.

<sup>4</sup> A check of the record in the office of the State Engineer indicates that no fee has been received.

<sup>5</sup> NRS Chapters 533 and 534.

<sup>6</sup> NRS 533.345(2).

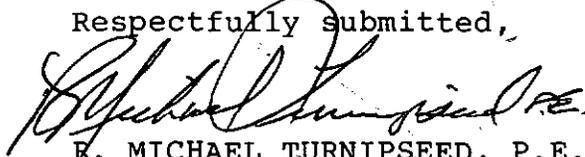
III.

The applicant has not submitted the additional fee to cover the cost associated with publication.<sup>1</sup>

RULING

Temporary Application 54644-T is hereby denied on the grounds that the applicant has failed to submit the prescribed fees required under NRS 533.345 and therefore is not in the public interest.

Respectfully submitted,



R. MICHAEL TURNIPSEED, P.E.  
State Engineer

RMT/DJL/pm

Dated this 19th day of  
August, 1991