

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

IN THE MATTER OF CANCELLED PERMITS 52273, )  
52274, 52275 AND 52276 FILED TO CHANGE THE )  
POINT OF DIVERSION, PLACE AND MANNER OF USE )  
OF WATER, HERETOFORE APPROPRIATED UNDER )  
PERMIT 8197, CERTIFICATE 2516, CLAIM 02148, )  
CERTIFICATES 350-1 AND 350-2 AND PERMIT 13379 )  
CERTIFICATE 6187 RESPECTIVELY OF THE PUBLIC )  
WATERS FROM LAKE TAHOE, WITHIN THE LAKE TAHOE )  
BASIN, DOUGLAS COUNTY, NEVADA. )

RULING

# 4096

GENERAL

I.

Application 52273 was filed on June 29, 1988 by Glenbrook Properties to change the point of diversion, place of use and manner of use of a portion of Permit 8197, Certificate 2516. Application 52273 was permitted on October 9, 1989 for 0.08 cubic feet per second (cfs) of water from Lake Tahoe for irrigation and domestic purposes within the NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 10, T.14N., R.18E., M.D.B.&M. The current owner of record is Glenbrook Homeowners Association.<sup>1</sup>

Application 52274 was filed on June 29, 1988 by Glenbrook Properties to change the point of diversion, place of use and manner of use of a portion of water heretofore decreed under Claim 02148, Certificate 350-1 of the Glenbrook Creek Decree.<sup>2</sup> Application 52274 was permitted on October 9, 1989 for 0.281 cfs of water from Lake Tahoe for quasi-municipal purposes within the NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 10, T.14N., R.18E., M.D.B.&M. The current owner of record is Glenbrook Homeowners Association.<sup>3</sup>

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<sup>1</sup> Public record in the office of the State Engineer, filed under Permit 52273.

<sup>2</sup> In the Matter of the Determination of the Relative Rights of Claimants and Appropriators in and to the Waters of Glenbrook Creek and its Tributaries, Case No. 859, Ninth Judicial District Court of Nevada, Douglas County, Nevada, September 2, 1941.

<sup>3</sup> Public record in the office of the State Engineer, filed under Permit 52274.

Application 52275 was filed on June 29, 1988 by Glenbrook Properties to change the point of diversion, place of use and manner of use of a portion of water heretofore decreed under Claim 02148, Certificate 350-2 of the Glenbrook Decree.<sup>2</sup> Application 52275 was permitted on October 9, 1989 for 0.218 cfs of water from Lake Tahoe for quasi-municipal purposes within the NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 10, T.14N., R.18E., M.D.B.&M. The current owner of record is Glenbrook Homeowners Association.<sup>4</sup>

Application 52276 was filed on June 29, 1988 by Glenbrook Properties to change the point of diversion, place of use and manner of use of Permit 13379, Certificate 6187. Application 52276 was permitted on October 9, 1989 for 0.015 cfs of water from Lake Tahoe for quasi-municipal purposes within the NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 10, T.14N., R.18E., M.D.B.&M. The current owner of record is Glenbrook Homeowners Association.<sup>5</sup>

#### FINDING OF FACT

On November 10, 1993 the State Engineer's office notified Glenbrook Properties by Certified Mail that Permits 52273 through 52276 required filing's of Proof of Beneficial Use within 30 days of the date of the final certified Notice. No Proofs were received as result of this notice.

On February 16, 1994, the State Engineer notified Glenbrook Properties by certified mail that Permits 52273 through 52276 have been cancelled for failure to comply with the terms of these permits.

A review of the records showed that ownership of Permits 52273 through 52276 was transferred from Glenbrook Properties to the Glenbrook Homeowners Association on November 20, 1990. Glenbrook Homeowners Association was not included on the final notice dated November 10, 1993. The State Engineer finds that the Glenbrook

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<sup>4</sup> Public record in the office of the State Engineer, filed under 52275.

<sup>5</sup> Public record in the office of the State Engineer, filed under Permit 52276.

Homeowners Association was not properly notified of the final notice to file the required documents.

CONCLUSIONS

I.

The State Engineer has jurisdiction in the subject matter of this action.<sup>6</sup>

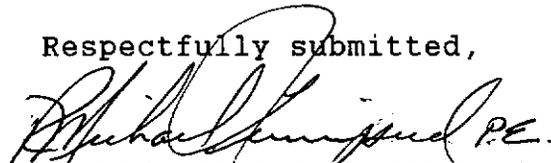
II.

After reviewing the records the State Engineer concludes that the current owner of record was not properly notified as to the status of their permits.

RULING

The cancellation of Permits 52273, 52274, 52275 and 52276 are hereby rescinded with no loss of priority on the grounds that the owner of record was not properly notified. The owner of record will be given thirty (30) days from the date of this ruling to submit the proofs of beneficial use or request extension of time for the proof of beneficial use.

Respectfully submitted,

  
R. MICHAEL TURNIPSEED, P.E.  
State Engineer

RMT/SR/pm

Dated this 8th day of  
March, 1994.