

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

IN THE MATTER OF APPLICATION 57116)
FILED TO CHANGE THE POINT OF DIVERSION)
AND THE PLACE OF USE OF THE UNDERGROUND)
WATERS HERETOFORE APPROPRIATED UNDER)
PERMIT 24283, CERTIFICATE 8470,)
WHIRLWIND VALLEY GROUNDWATER BASIN)
(060), EUREKA COUNTY, NEVADA.)

RULING

4429

GENERAL

I.

Application 57116 was filed on January 24, 1992, by Zeda Corporation to change the point of diversion and the place of use of 1.62 cubic feet per second (cfs) of water heretofore appropriated under Permit 24283, Certificate 8470 for irrigation purposes within portions of Section 25 and Section 36, T.32N., R.48E., M.D.B.&M., and within portions of Section 30 and Section 31, T.32N., R.49E., M.D.B.&M. The proposed point of diversion is described as being located within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 25, T.32N., R.48E., M.D.B.&M.¹

II.

Permit 24283, Certificate 8470, currently stands in the records of the Office of the State Engineer in the name of J.B.B., Inc.²

FINDINGS OF FACT

I.

On August 30, 1994, the applicant and its agent were notified by the State Engineer that it would be necessary to change the ownership of Permit 24283, Certificate 8470, to Zeda Corporation prior to permitting Application 57116. A similar request was sent

¹File No. 57116, official records in the Office of the State Engineer.

²File No. 24283, official records in the Office of the State Engineer.

by certified mail on June 25, 1996, advising the applicant that the ownership discrepancy must be corrected before Application 57116 would be further processed. The applicant was further advised that failure to respond to the notice within 60 days would be taken as an indication of lack of interest in further pursuing the application. The State Engineer finds that the applicant has failed to provide the requested documents regarding the ownership discrepancy.

CONCLUSIONS

I.

The State Engineer has jurisdiction over the subject matter of this action and determination.³

II.

The State Engineer is prohibited by law from granting a permit under an application to change the point of diversion and place of use of the public waters where:⁴

- A. The proposed use conflicts with existing rights, or
- B. The proposed use threatens to prove detrimental to the public interest.

III.

Before a change application can be considered for approval or denial, the Office of the State Engineer requires that the applicant establish a chain of title to all or that portion of the base right upon which the change is being made. Unless the chain of title is submitted completely and correctly, the State Engineer shall not recognize the applicant's interest in the water right. The State Engineer concludes that the applicant has failed to provide any information to establish its interest in the base permit which Application 57116 seeks to change, and without this

³NRS Chapters 533 and 534.

⁴NRS 533.370(3).

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information granting Application 57116 would threaten to prove detrimental to the public interest.

RULING

Application 57116 is hereby denied on the grounds that it would not be in the public interest to approve a change application without sufficient information to establish a complete chain of title to the applicant's interest in the base permit.

Respectfully submitted,



R. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/MDB/ab

Dated this 10th day of
September, 1996.