

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

IN THE MATTER OF APPLICATION 50470 )  
FILED TO APPROPRIATE THE PUBLIC )  
WATERS FROM THE CARSON CITY )  
CONDUIT OF THE MARLETTE WATER )  
SYSTEM, WITHIN THE WASHOE VALLEY )  
GROUNDWATER BASIN (089), CARSON )  
CITY, NEVADA. )

RULING

# 4667

GENERAL

I.

Application 50470 was filed on January 2, 1987, by Marlette Power Corporation to appropriate 3.34 cubic feet per second (cfs) of water from the Carson City conduit of the Marlette Water System for hydroelectric power purposes within the NW¼ SW¼ of Section 12, T.15N., R.19E., M.D.B.&M. The point of diversion is described as being located within the NE¼ NW¼ of Section 3, T.15N., R.19E., M.D.B.&M.<sup>1</sup>

FINDINGS OF FACT

I.

The applicant was requested by certified letter dated May 15, 1998, to provide the office of the State Engineer with evidence of plans for a power plant and an agreement with the operator of the pipeline. The applicant was also informed that if no response was received within 60 days from the date of the letter, the application would be denied.<sup>1</sup> The May 15, 1998, letter was returned to the office of the State Engineer with the envelope stamped "Unclaimed" by the United States Postal Service.<sup>1</sup> The

<sup>1</sup> File No. 50470, official records in the office of the State Engineer.

letter was then resent regular mail after the June 4, 1998, return date. To date, no information indicating further interest by the applicant in pursuing Application 50470 has been received in the office of the State Engineer.

II.

It has been a long standing policy within the office of the State Engineer that it is the applicant's responsibility to inform said office of any changes which may occur in the ownership and address associated with a specific water right.

The State Engineer finds that the owner of record under Application 50470 was properly noticed of the opportunity to express its continued interest in pursuing Application 50470, but has failed to do so; therefore, Application 50470 may be considered for denial.

CONCLUSIONS

I.

The State Engineer has jurisdiction over the parties and the subject matter of this action and determination.<sup>2</sup>

II.

The State Engineer is prohibited by law from granting a permit to appropriate the public waters where:<sup>3</sup>

- A. there is no unappropriated water at the proposed source;
  - B. the proposed use conflicts with existing rights;
- or

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<sup>2</sup> NRS § Chapter 533.

<sup>3</sup> NRS § 533.370(3).

- C. the proposed use threatens to prove detrimental to the public interest.

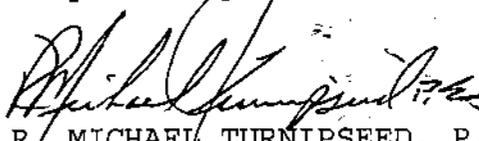
**III.**

On May 15, 1998, the applicant was requested by the office of the State Engineer to provide information showing a continued interest in pursuing Application 50470. The applicant was informed that a failure to respond to the request would represent a lack of interest in this matter and would result in said application being considered for denial. The applicant failed to provide any indication that they intend to move forward with Application 50470. Therefore, the State Engineer concludes that it would not be in the public interest to approve an application which the applicant no longer intends to pursue.

**RULING**

Application 50470 is hereby denied on the grounds that granting said application would not be in the public interest.

Respectfully submitted,

  
R. MICHAEL TURNIPSEED, P.E.  
State Engineer

RMT/MJR/cl

Dated this 23rd day of

October, 1998.