

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

IN THE MATTER OF APPLICATION 29379)
FILED TO APPROPRIATE THE PUBLIC)
WATERS FROM AN UNDERGROUND SOURCE,)
WITHIN THE LAKE TAHOE BASIN (90),)
DOUGLAS COUNTY, NEVADA.)

RULING

4674

GENERAL

I.

Application 29379 was filed on May 12, 1975, by C. O. Thompson, M.D., Pension and Profit Sharing Trust to appropriate 0.2 cubic feet per second (cfs) of water from an underground source for commercial and domestic purposes within the N $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 22, T.13N., R.18E., M.D.B.&M. The proposed point of diversion is described as being located within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 22.¹

FINDINGS OF FACT

I.

The State Engineer finds that Permit 30756 held in the name of Kingsbury General Improvement District was issued for the same place and manner of use as Application 29379.²

II.

The applicant was requested by certified letter dated May 1, 1998, to provide the office of the State Engineer with evidence that he still had an interest in pursuing Application 29379. The applicant was also informed that if a response was not received within 30 days from the date of

¹ File No. 29379, official records in the office of the State Engineer.

² File No. 30756, official records in the office of the State Engineer.

the letter the application may be considered for denial. The May 15, 1998, letter was returned to the office of the State Engineer with the envelope stamped "No Such Number" by the United States Postal Service.¹ To date, no information indicating any further interest by the applicant in pursuing Application 29379 has been received in the office of the State Engineer.

III.

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 29379 was properly noticed of the opportunity to express their continued interest in pursuing Application 29379, but has failed to do so; therefore, Application 29379 may be considered for denial.

CONCLUSIONS

I.

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

II.

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

- A. there is no unappropriated water at the proposed source;

³ NRS § Chapters 533 and 534.

⁴ NRS § 533.370(3).

- B. the proposed use conflicts with existing rights;
or
- C. the proposed use threatens to prove detrimental to
the public interest.

III.

On May 1, 1998, the applicant was requested by the office of the State Engineer to provide information of continued interest that he may have in pursuing Application 29379. 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 he intends to move forward with Application 29379. 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 29379 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 28th day of
October, 1998.