

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

IN THE MATTER OF APPLICATION 49900,)
FILED TO CHANGE THE POINT OF)
DIVISION, PLACE AND MANNER OF USE)
OF A PORTION OF THE PUBLIC WATERS)
OF AN UNDERGROUND SOURCE PREVIOUSLY)
APPROPRIATED UNDER PERMIT 7862,)
CERTIFICATE 1734, FROM WITHIN THE)
CARSON VALLEY GROUNDWATER BASIN (8-105),)
DOUGLAS COUNTY, NEVADA.)

RULING

4728

GENERAL

I.

Application 49900 was filed on June 4, 1986, by F. William Driscoll and D. Lynn Driscoll to change the point of diversion, place and manner of use of 0.0163 cubic feet per second (cfs), a portion of the underground water previously appropriated under Permit 7862, Certificate 1734. The proposed manner of use is for irrigation and domestic purposes within Lot 5 of Sierra Vista Ranch Estates, or more particularly described as a portion of the NW¼ of the SW¼ of Section 17, T.12N., R.20E., M.D.B.&M. The new point of diversion is described as being located within the NW¼ of the SW¼ of Section 17, T.12N., R.20E.¹

FINDINGS OF FACT

I.

Permit 7862, Certificate 1734 is a certificate for irrigation supplemental to Carson River Decree rights. The portion to be changed is appurtenant to Douglas County Assessor's Parcel Number 27-671-05. The Assessor's office shows Bill and Christine Banker as the owners of the subject parcel. On August

¹ File No. 49900, official records in the office of the State Engineer.

8, 1997, both the applicants of Application 49900 and Bill and Christine Banker were notified by letter to inform the State Engineer's office within 60 days whether they were still interested in pursuing Application 49900. The letter was sent certified mail and endorsed receipts were received from both parties. The State Engineer finds that to date neither the applicants nor the Bankers have responded by letter.

II.

The State Engineer finds that no information was received in response to the request for information.¹

CONCLUSIONS

I.

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

II.

Before either approving or rejecting an application, the State Engineer may require such information from the current owner of record as will enable him to properly guard the public interest.³

III.

The State Engineer is prohibited by law from granting a change application to appropriate 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.

² NRS Chapters 533 and 534.

³ NRS § 533.375.

⁴ NRS § 533.370(3).

IV.

The applicants have failed to submit the information requested by the State Engineer's office. The State Engineer concludes that without the additional data, sufficient information is not available to properly guard the public interest.

RULING

Application 49900 is hereby denied on the grounds that the applicants have not submitted the data and information requested by the State Engineer's office and that without this information, granting this application would prove detrimental to the public interest.

Respectfully submitted,



R. MICHAEL TURNIPSEED, P. E.

State Engineer

RMT/KES/cl

Dated this 4th day of
May, 1999.