

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

IN THE MATTER OF APPLICATION 50796 )  
FILED TO APPROPRIATE THE PUBLIC )  
WATERS FROM AN UNDERGROUND )  
SOURCE WITHIN THE CARSON VALLEY )  
HYDROGRAPHIC BASIN (105), DOUGLAS )  
COUNTY, NEVADA. )

RULING  
**# 5174**

GENERAL

I.

Application 50796 was filed on April 6, 1987, in the name of Sierra Creek Ranch, Inc. by Judith M. Brabant as agent to appropriate 2.0 cubic feet per second of water from an underground source to water 3,000 cattle. The place of use is 97 acres within portions of the NE $\frac{1}{4}$  SW $\frac{1}{4}$ , SE $\frac{1}{4}$  SW $\frac{1}{4}$ , SW $\frac{1}{4}$  SW $\frac{1}{4}$ , and NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 3, T.13N., R.19E., M.D.B.&M.; and portions of the SW $\frac{1}{4}$  NE $\frac{1}{4}$ , NW $\frac{1}{4}$  NW $\frac{1}{4}$ , NE $\frac{1}{4}$  NW $\frac{1}{4}$ , and NW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 10, T.13N., R.19E., M.D.B.&M. The point of diversion is described as being located within the NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 3, T.13N., R.19E., M.D.B.&M.<sup>1</sup>

II.

Application 50796 was timely protested by the Truckee Carson Irrigation District on the following grounds:

The designated groundwater basin is fully appropriated and the appropriation will reduce and adversely affect adjacent surface waters (ie. Carson River).

WHEREFORE protestant prays that the application be denied.<sup>1</sup>

FINDINGS OF FACT

I.

The applicant and its agent were notified by certified mail dated August 26, 2002, to advise the Office of the State Engineer in writing if they were still interested in pursuing Application 50796. The applicant and its agent were warned that failure to

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<sup>1</sup> File No. 50796, official records in the Office of the State Engineer.

respond within 30 days would result in denial of the application. Properly endorsed certified mail receipts were received by the Office of the State Engineer from the applicant on August 28, 2002 and September 5, 2002. A certified mail receipt from the agent was received on September 3, 2002, endorsed by Ralph M. Crow. A letter sent to the agent at a second address was returned to the Office of the State Engineer by the U. S. Postal Service stamped "Attempted Not Known".<sup>1</sup>

To this date, no information on this matter has been submitted to the State Engineer's Office. The State Engineer finds that the applicant and its agent were properly notified of the request for additional information regarding interest in pursuing Application 50796 and failed to respond.

### CONCLUSIONS

#### I.

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

#### II.

Before either approving or rejecting an application, the State Engineer may require such additional information as will enable him to properly guard the public interest.<sup>3</sup>

#### III.

The State Engineer is prohibited by law from granting a permit under an application to appropriate the public waters where:<sup>4</sup>

- A. there is no unappropriated water at the proposed source;
- B. the proposed use or change conflicts with existing rights;
- C. the proposed use or change conflicts with protectible interests in existing domestic wells as set forth in NRS § 533.024; or
- D. the proposed use or change threatens to prove detrimental to the public interest.

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<sup>2</sup> NRS chapters 533 and 534.

<sup>3</sup> NRS § 533.375.

<sup>4</sup> NRS § 533.370(3).

**IV.**

The applicant and its agent were properly notified of the requirement for additional information concerning interest in this application and have failed to submit the information to the State Engineer's Office. The State Engineer concludes that the failure to respond affirms the applicant's lack of interest in pursuing Application 50796.

**RULING**

Application 50796 is hereby denied on the grounds that the applicant or its agent have not submitted the information requested by the State Engineer's Office and that without this information the granting of the application would threaten to prove detrimental to the public interest. No ruling is made on the merits of the protest claim.

Respectfully submitted,



HUGH RICCI, P.E.  
State Engineer

HR/TW/jm

Dated this 19th day of

November, 2002.