

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

IN THE MATTER OF APPLICATION)
45156 FILED TO APPROPRIATE THE)
PUBLIC WATERS OF UNNAMED)
SPRING WITHIN THE TRACY)
SEGMENT HYDROGRAPHIC BASIN)
(83), WASHOE COUNTY, NEVADA.)

RULING
5580

GENERAL

I.

Application 45156 was filed on December 22, 1981, by Robert A. Kuenzli to appropriate 0.1 cubic feet per second of water from an unnamed spring for industrial and domestic purposes. The proposed place of use is described as being located within portions of the SE $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 3, T.20N., R.24E., M.D.B.&M. The proposed point of diversion is described as being located within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 3.¹

FINDINGS OF FACT

I.

The applicant and his agent were notified by certified mail dated February 9, 2005, to submit additional information regarding Application 45156 to the State Engineer's office. The applicant was warned that failure to respond within 30 days would result in denial of the application. The letters were addressed to the applicant and agent at their respective addresses on file in the Office of the State Engineer. The agent's certified letter was returned to the Office of the State Engineer, by the U.S. Postal Service, as undeliverable. Ms. Judy Cole returned the applicant's letter to the Office of the State Engineer and wrote, "I opened this in error. I believe the Kuenzli's died years ago. I bought this house from the estate about twelve years ago."¹

The State Engineer finds that the applicant and his agent were properly notified of the request for additional information regarding Application 45156 and failed to provide the requested information.

¹ File No. 45156, official records in the Office of the State Engineer.

II.

The State Engineer finds that there has been no correspondence from the applicant or his agent in regards to this application for over 23 years.¹ The State Engineer finds that it is the responsibility of the applicant or his agent to keep this office informed of a current mailing address.

CONCLUSIONS

I.

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

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.³

III.

The State Engineer is prohibited by law from granting a permit under an application to appropriate the public water where:⁴

- 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.

IV.

The applicant and his agent were properly notified of the requirement for additional information and have failed to submit the information to the State Engineer's office. The State Engineer concludes that the failure to submit the requested information and failure to maintain a current address demonstrates the applicant's lack of interest in pursuing Application 45156. The State Engineer concludes it would threaten to prove detrimental to the public interest to issue a permit under these circumstances.

² NRS chapter 533.

³ NRS § 533.375.

⁴ NRS § 533.370(4).

RULING

Application 45156 is hereby denied on the grounds its issuance would threaten to prove detrimental to the public interest.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "H. Ricci, P.E.", written in a cursive style.

HUGH RICCI, P.E.
State Engineer

HR/TW/jm

Dated this 10th day of

March, 2006.