

**IN THE OFFICE OF THE STATE ENGINEER**

IN THE MATTER OF APPLICATIONS 52538)  
AND 52539 FILED TO APPROPRIATE THE)  
PUBLIC WATERS OF AN UNDERGROUND)  
SOURCE WITHIN THE COLORADO VALLEY)  
GROUNDWATER BASIN, CLARK COUNTY,) )  
NEVADA. )

**RULING**

**GENERAL**

Application 52538 was filed on September 23, 1988, by Basic Enterprises, Inc. to appropriate 1.0 c.f.s. of water from an underground source for mining, milling and domestic purposes within the SE $\frac{1}{4}$  SE $\frac{1}{4}$  Section 1, SE $\frac{1}{4}$  NW $\frac{1}{4}$ , S $\frac{1}{2}$  NE $\frac{1}{4}$ , E $\frac{1}{2}$  SW $\frac{1}{4}$ , SE $\frac{1}{4}$  Section 12, T.26S., R.64E., M.D.B.&M. The point of diversion is described as being within the SE $\frac{1}{4}$  SW $\frac{1}{4}$  Section 1, T.26S., R.64E., M.D.B.&M.<sup>1</sup>

Application 52539 was filed on September 23, 1988, by Basic Enterprises, Inc. to appropriate 1.0 c.f.s. of water from an underground source for mining, milling and domestic purposes within the SE $\frac{1}{4}$  SE $\frac{1}{4}$  Section 1, SE $\frac{1}{4}$  NW $\frac{1}{4}$ , S $\frac{1}{2}$  NE $\frac{1}{4}$ , E $\frac{1}{2}$  SW $\frac{1}{4}$ , SE $\frac{1}{4}$  Section 12, T.26S., R.64E., M.D.B.&M. The point of diversion is described as being within the NW $\frac{1}{4}$  NW $\frac{1}{4}$  Section 12, T.26S., R.64E., M.D.B.&M.<sup>1</sup>

**FINDINGS OF FACT**

I.

The applicant was notified by certified mail on November 29, 1988, to submit additional information to the State Engineer's office regarding consumptive use, specifically, requesting data concerning water conservation measures and amount of water to be recycled. The return receipts were received from the addressees on December 5, 1988. To date the information requested has not been received from the applicant.<sup>1</sup>

II.

The applicant was again notified by certified mail on January 19, 1989, to submit the additional information requested by the State Engineer's office. The return receipts

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<sup>1</sup> Public record in the office of the State Engineer.

were received from the addressees on January 25 and January 26, 1989. The letter assigned a 30 day time limit to file the required information or request a postponement of further action as provided by NRS 533.370, subsection 2. To date the information requested has not been received from the applicant.<sup>1</sup>

### CONCLUSIONS

#### I.

The State Engineer has jurisdiction of 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 guard the public interest properly.<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, or
- B. The proposed use conflicts with existing rights, or
- C. The proposed use threatens to prove detrimental to the public interest.

#### IV.

The applicant has failed, to date, to submit the information requested by the State Engineer's office. Therefore sufficient information is not available to the State Engineer

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

<sup>3</sup> NRS 533.375.

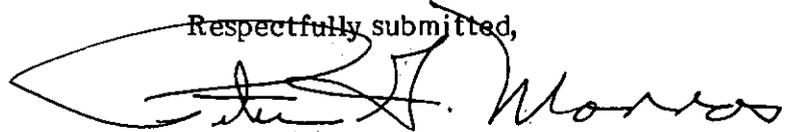
<sup>4</sup> NRS 533.370(3).

to guard the public interest properly.

**RULING**

Applications 52538 and 52539 are herewith denied on the grounds that the applicant has not submitted the information requested by the State Engineer's office and therefore the granting of said applications without the additional information requested would not be in the public interest.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Peter G. Morros", written over a large, stylized oval flourish.

PETER G. MORROS  
State Engineer

PGM/DL/bk

Dated this 15th day of  
June, 1989.