

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

IN THE MATTER OF APPLICATION 50907)
FILED TO APPROPRIATE THE UNDERGROUND)
WATER OF IVANPAH VALLEY (NORTHERN)
PART) (164A), CLARK COUNTY, NEVADA.)

RULING

4203

GENERAL

I.

Application 50907 was filed on May 6, 1987, by Richard Bale to appropriate 0.05 cfs of water from an underground source for quasi-municipal purposes within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 26, T.24S., R.58E., M.D.B.&M. The point of diversion is described as being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 26, T.24S., R.58E., M.D.B.&M.¹

II.

The subject application was protested on October 7, 1987, by the Goodsprings Citizens Advisory Council on the following grounds:

The water table of Goodsprings, Clark County, Nevada is dropping. Goodsprings is within the Designated Ivanpah Valley.

The well proposed for supplying water to eleven residences in Application Number 50907 was drilled for domestic use in 1974.

Prior granted rights to existing water wells, including the Clark County School District, the Clark County Park well and the Goodsprings Church well would be lessened by granting Application Number 50907.

The well named in Application 50907 is owned by persons other than Applicant, Richard Bale.

The attached protest Petition represents 45-50 persons.

¹ File No. 50907, official records in the office of the State Engineer.

Attached well drillers report on the well that the Applicant proposes to supply water to eleven residences from shows that the well produces 50 gallons of water per minute. The Applicant proposes to take 224.41 gallons of water per minute from the well.

Therefore the protestant requests that the application be denied.¹

FINDINGS OF FACT

I.

Before taking action on Application 50907, the State Engineer required additional information in order to guard the public interest properly. On February 11, 1994, the applicant was sent a letter, in which he was requested to confirm his ownership or interest in the land described as the proposed place of use of Application 50907. The applicant was also asked if he still wished to pursue Application 50907.¹ No response to this inquiry was received by the State Engineer. Therefore, it cannot be confirmed that the applicant has any interest in the land described as the proposed place of use of Application 50907. The State Engineer finds that it is not in the public interest to approve Application 50907.

II.

On August 10, 1994, the applicant was sent a second letter, in which he was requested to confirm his intention to pursue Application 50907. The applicant was informed that failure to respond would result in the denial of Application 50907. Again, no response was received by the State Engineer.²

The State Engineer finds that the applicant, by his failure to respond to the two requests for information, is no longer interested in pursuing the appropriation of water under Application 50907.

² A review of File No. 50977 showed the presence of the return receipt cards, indicating that the applicant received both letters requesting additional information.

CONCLUSIONS

I.

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

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.⁴

III.

The State Engineer is prohibited by law from granting a permit under an application to appropriate the public waters where:⁵

- 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 submit the information requested by the State Engineer's Office. Therefore, sufficient information is not available to the State Engineer to guard the public interest properly.

V.

When requested by the State Engineer, the applicant failed to confirm that he wished to pursue Application 50907. Therefore, the State Engineer concludes that the applicant is no longer interested in pursuing the appropriation of water under Application 50907.

³ NRS Chapters 533 and 534.

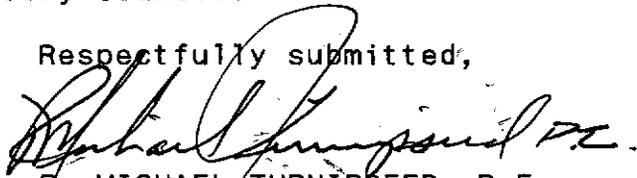
⁴ NRS 533.375.

⁵ NRS Chapter 533.370(3).

RULING

Application 50907 is hereby denied on the grounds that the applicant failed to submit the information requested by the State Engineer and, therefore, the granting of said application without the additional information requested would not be in the public interest. No finding is made on the validity of protest submitted by Goodsprings Citizens Advisory Council.

Respectfully submitted,



F. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/KJ/pm

Dated this 5th day of
July, 1995.