

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

IN THE MATTER OF APPLICATION 59336)
FILED TO APPROPRIATE THE PUBLIC)
WATERS OF AN UNDERGROUND SOURCE)
WITHIN THE JEAN LAKE VALLEY GROUND)
WATER BASIN (165), CLARK COUNTY,)
NEVADA.)

RULING

4314

GENERAL

I.

Application 59336 was filed on October 22, 1993, by Peak Power Corporation to appropriate 0.42 cubic feet per second, not to exceed 300 acre-feet annually of water from an underground source for power purposes within Sections 17 & 18, T.25S., R.60E., M.D.B.& M., Clark County, Nevada. The point of diversion is described as being located within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 16, T.25S., R.60E., M.D.B.&M.¹

FINDINGS OF FACT

I.

The applicant was notified by certified mail dated May 12, 1995, to submit additional information to the State Engineer's Office concerning the project and groundwater studies the applicant had indicated were being performed, and was informed that a response was due by June 30, 1995.¹ The State Engineer finds that the certified receipt for the mailing was returned to the Office of the State Engineer and that no information was received in response to the request for information.¹

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 from the current

¹ File No. 59336, official records in the Office of the State Engineer.

² NRS Chapters 533 and 534.

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 permit under an application to appropriate the public waters where:⁴

- 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.

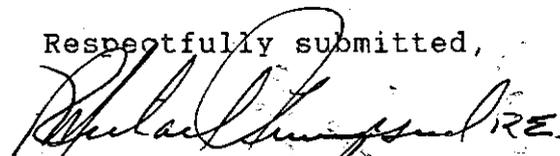
IV.

The applicant has failed to submit the information requested to the State Engineer's Office. The State Engineer concludes that without the information requested, sufficient information is not available for the State Engineer to properly guard the public interest.

RULING

Application 59336 is hereby denied on the grounds that the applicant has not submitted the data and information requested by the State Engineer's Office, and that without this information the granting of the application would be detrimental to the public interest.

Respectfully submitted,


R. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/SJT/ab

Dated this 21st day of
March, 1996.

³ NRS 533.375.

⁴ NRS 533.370(3).