

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

IN THE MATTER OF APPLICATIONS 55509 )  
THROUGH 55515, INCLUSIVE, FILED TO )  
APPROPRIATE THE PUBLIC WATERS OF AN )  
UNDERGROUND SOURCE WITHIN THE LAS VEGAS )  
ARTESIAN BASIN (212), CLARK COUNTY, )  
NEVADA. )

RULING

# 4407

GENERAL

I.

Applications 55509 through 55515, inclusive, were filed on December 7, 1990, by The Quarry Partnership, each to appropriate 2.0 cubic feet per second (cfs) of water from an underground source for recreational purposes (golf course and landscaping) within Sections 34 and 35, T.21S., R.62E., M.D.B.&M. The points of diversion are described as being located within the SE $\frac{1}{4}$  NE $\frac{1}{4}$ ; NE $\frac{1}{4}$  SE $\frac{1}{4}$ ; SE $\frac{1}{4}$  SE $\frac{1}{4}$ ; SE $\frac{1}{4}$  SW $\frac{1}{4}$ ; SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 35, and the SE $\frac{1}{4}$  SE $\frac{1}{4}$ ; SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 34, T.21S., R.62E., M.D.B.&M. Applications 55509 through 55515 became ready for the State Engineer's action on May 10 and 11, 1991.<sup>1</sup>

FINDINGS OF FACT

I.

On May 21, 1991, the applicant was notified that additional information was needed by the State Engineer before further review of the applications could take place. The State Engineer finds that the applicant did not respond to the request for information.

II.

On June 26, 1996, the applicant was notified by certified mail to submit additional information within 60 days to the State Engineer before further consideration could be given towards the issuance of permits.<sup>1</sup> The certified letter was returned by the United States Postal Service on July 10, 1996, stamped "Return to Writer". The letter was resent by regular mail on July 11, 1996.

<sup>1</sup>File Nos. 55509 through 55515, inclusive, official records in the Office of the State Engineer.

The State Engineer finds that the applicant was properly notified and that it failed to respond to the request for additional information. The State Engineer finds that it is the responsibility of the applicant or its successor in interest to keep this office informed as to a current mailing address.

CONCLUSIONS

I.

The State Engineer has jurisdiction over the parties and of 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.

III.

The State Engineer is prohibited by law from granting a permit under an application to appropriate the public waters where:<sup>3</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 failed to submit the required information to the State Engineer's Office. The State Engineer concludes that without the additional information requested, sufficient information is not available to properly guard the public interest.

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

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

RULING

Applications 55509 through 55515, inclusive, are hereby denied on the grounds that the applicant has not submitted the information requested by the State Engineer's Office and that without this information the granting of the applications would be detrimental to the public interest.

Respectfully submitted,



R. MICHAEL TURNIPSEED, P.E.  
State Engineer

RMT/CAB/ab

Dated this 29th day of  
August, 1996.