

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

IN THE MATTER OF APPLICATION 55120)
FILED TO APPROPRIATE THE PUBLIC)
WATERS OF AN UNDERGROUND SOURCE)
WITHIN THE MESQUITE VALLEY GROUND)
WATER BASIN (163), CLARK COUNTY,)
NEVADA.)

RULING

4221

GENERAL

I.

Application 55120 was filed on July 27, 1990, by H.V. Weimer to appropriate 0.267 cfs of water from an underground source for quasi-municipal purposes for use within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 22, T.25S., R.57E., M.D.B.&M. The point of diversion is described as being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 22, T.25S., R.57E., M.D.B.&M.¹

FINDINGS OF FACT

I.

The State Engineer finds that on February 10, 1994, the applicant and his agent were notified by mail to submit additional information to the State Engineer's Office concerning the consumptive use of water by the development, more specifically, the State Engineer requested information regarding any special use permits needed for the quasi-municipal development, future development plans, zoning requirements satisfied or needed, and density of homes per acre.

II.

The State Engineer finds that the applicant was again notified by certified mail on November 8, 1994, to submit the additional information requested by the State Engineer's Office, and that the notice was returned by the United States Postal Service labelled "Unclaimed."¹

¹ File No. 55120, official records in the Office of the State Engineer.

III.

The State Engineer finds that the applicant's agent was notified a third time by certified mail on January 3, 1995, to submit the additional information requested by the State Engineer's Office. The notice was returned by the United States Postal Service labeled "Returned to Sender."¹

IV.

The State Engineer finds that both the November 8, 1994, and January 3, 1995, letters requesting the additional information established that failure to comply with the request within 30 days would result in denial of the application.¹

V.

The State Engineer finds that no information was received in response to the request for information.¹

VI.

The State Engineer finds it is the responsibility of the applicant or his successor in interest to keep this office informed of his 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 from the current owner of record as will enable him to properly guard the public interest.³

² NRS Chapters 533 and 534.

³ NRS 533.375.

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.

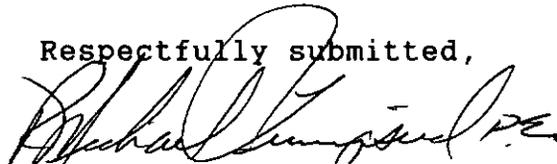
IV.

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

RULING

Application 55120 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 granting of the application would be detrimental to the public interest.

Respectfully submitted,


E. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/SJT/DJL/pm

Dated this 11th day of
October, 1995.

⁴ NRS Chapter 533.370(3).