

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

IN THE MATTER OF APPLICATIONS 61455)
AND 61456 FILED TO APPROPRIATE THE)
PUBLIC WATERS OF AN UNDERGROUND)
SOURCE WITHIN THE LAS VEGAS ARTESIAN)
BASIN (212), CLARK COUNTY, NEVADA.)

RULING

4408

GENERAL

I.

Application 61455 was filed on August 9, 1995, by Mildred Kladstrup to appropriate 0.1 cubic feet per second (cfs) of water from an underground source for commercial purposes within the E $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 14, T.19S., R.60E., M.D.B.&M. The point of diversion is described as being located within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 14. Application 61455 became ready for the State Engineer's action on October 24, 1995.¹

II.

Application 61456 was filed on August 9, 1995, by Kitty L. Kladstrup to appropriate 0.1 cfs of water from an underground source for commercial purposes within the W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 14, T.19S., R.60E., M.D.B.&M. The point of diversion is described as being located within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 14. Application 61456 became ready for the State Engineer's action on October 24, 1995.²

FINDINGS OF FACT

I.

On December 27, 1995, the applicants and their agent were notified by certified mail to submit within 30 days for each application an itemized estimate of annual water use, a copy of the current Clark County Assessor's parcel map, assessor's ownership

¹File No. 61455, official records in the Office of the State Engineer.

²File No. 61456, official records in the Office of the State Engineer.

register and county zoning for the identified places of use. The endorsed receipts for the certified mailings are dated January 2 and 4, 1996, and were received in the Office of the State Engineer on January 5 and 8, 1996, respectively. The State Engineer finds that by letter received on February 1, 1996, the applicant, Kitty Kladstrup, informed the State Engineer she had been out of town and traveling, but was working with her agent to provide the information requested.

II.

On June 26, 1996, the applicants and their agent were again notified by certified mail to submit the additional information to the State Engineer before further consideration could be given towards the issuance of permits.^{1,2} The applicants were advised that failure to respond within thirty (30) days could result in denial of the applications. The endorsed return receipts for the certified mailings to the applicants and their agent were received in the Office of the State Engineer on July 1 and 10, 1996, respectively.¹ The State Engineer finds that the applicants were properly notified and failed to respond to the request for additional information.

CONCLUSIONS

I.

The State Engineer has jurisdiction over the parties and of 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 properly guard the public interest.

³ NRS Chapters 533 and 534.

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.

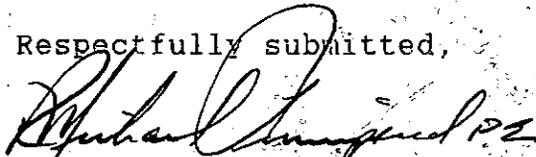
IV.

The applicants have been properly notified of the requirement for additional information concerning these applications and have failed to submit the required information to the State Engineer's Office. The State Engineer concludes that without the additional information sufficient information is not available to properly guard the public interest.

RULING

Applications 61455 and 61456 are hereby denied on the grounds that the applicants have 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 30th day of
August, 1996.

⁴ NRS 533.370(3).