

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

IN THE MATTER OF APPLICATION 61540)  
FILED TO APPROPRIATE THE PUBLIC )  
WATERS OF AN UNDERGROUND SOURCE )  
WITHIN THE ELDORADO VALLEY )  
GROUNDWATER BASIN (167), CLARK )  
COUNTY, NEVADA. )

RULING

# 4689

GENERAL

I.

Application 61540 was filed on September 12, 1995, by Penvesco to appropriate 0.10 cubic feet per second of underground water for industrial use within the NE $\frac{1}{4}$  NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 26, T.23S., R.63E., M.D.B.& M. The proposed point of diversion is described as being located within the NW $\frac{1}{4}$  NW $\frac{1}{4}$  of said Section 26.<sup>1</sup>

FINDINGS OF FACT

I.

The applicant and its agent were notified by certified mail dated August 19, 1996, to submit additional justification data and information to the State Engineer's office concerning the annual consumptive use of water under the application. Properly endorsed return receipts were received in the office of the State Engineer from the addressee's on August 28 and 29, 1996, respectively. The State Engineer finds that the applicant was properly noticed of the request for additional information and that to date no information has been received in response that request.<sup>1</sup>

II.

The applicant and its agent were again notified on October 22, 1996, by certified mail to submit the previously requested information. A thirty day time limit was assigned for the submission of a response or the application would be subject to denial. Properly endorsed return receipts were received from the addressee's on October 29 and October 28, 1996, respectively. The

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<sup>1</sup> File No. 61540, official records in the office of the State Engineer.

State Engineer finds that the applicant and its agent were properly notified of the request for additional information and that to date no information has been received.<sup>1</sup>

CONCLUSIONS

I.

The State Engineer has jurisdiction over the parties and the subject matter of this action and determination.<sup>2</sup>

II.

The State Engineer is prohibited by law from granting an application to appropriate the public waters where:<sup>3</sup>

- A. there is no unappropriated water at the proposed source;
- B. the proposed use conflicts with existing rights; or
- C. the proposed use threatens to prove detrimental to the public interest.

III.

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.<sup>4</sup>

IV.

The applicant and its agent were properly notified of the requirement for additional information concerning this application and have failed to submit the information 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.

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<sup>2</sup> NRS § Chapter 533 and 534.

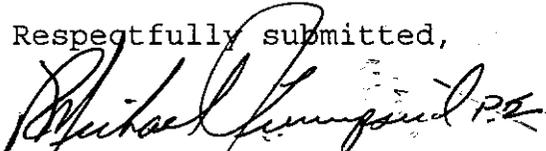
<sup>3</sup> NRS § 533.370(3).

<sup>4</sup> NRS § 533.375.

**RULING**

Application 61540 is hereby denied on the grounds that the applicant has failed to submit the data and information requested by the State Engineer's office and 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/MDB/cl

Dated this 15th day of  
December, 1998.