

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

IN THE MATTER OF APPLICATION 57645 )  
FILED TO CHANGE THE PLACE OF USE OF )  
UNDERGROUND WATERS HERETOFORE )  
APPROPRIATED WITHIN THE LAS VEGAS )  
ARTESIAN GROUNDWATER BASIN (212), )  
CLARK COUNTY, NEVADA. )

RULING

# 4708

GENERAL

I.

Application 57645 was filed on May 8, 1992, by Anthony C. Morici, Jr., Eileen McNamee, Maureen McNamee Wincor, and Terese McNamee to change the place of use of 0.10 cubic foot per second (cfs) of underground water heretofore appropriated within the Las Vegas Artesian Basin under Permit 53747. The manner of use is for quasi-municipal and domestic purposes within the SW $\frac{1}{4}$  SE $\frac{1}{4}$  and portions of the SE $\frac{1}{4}$  SE $\frac{1}{4}$  and SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 9, T.19S., R.60E., M.D.B. & M. The proposed point of diversion is described as being located within the SE $\frac{1}{4}$  SW $\frac{1}{4}$  of said Section 9.<sup>1</sup>

II.

Revocable Permit 53747 was granted on May 24, 1990, for 0.1 cfs, not to exceed 4.38 million gallons annually, for quasi-municipal and domestic purposes within portions of the SW $\frac{1}{4}$  SE $\frac{1}{4}$  and SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 9, T.19S., R.60E., M.D.B. & M.<sup>2</sup> The point of diversion under Permit 53747 is the same as proposed under Application 57645.

FINDINGS OF FACT

I.

The applicants and their agents were notified by letter dated October 6, 1998, to advise the State Engineer if they were still

---

<sup>1</sup> File No. 57645, official records in the office of the State Engineer.

<sup>2</sup> File No. 53747, official records in the office of the State Engineer.

interested in Application 57645. The State Engineer finds that no response was received to this inquiry.

**II.**

The applicants and their agents were notified by certified mail dated December 28, 1998, to advise the State Engineer's office within 30 days if they wished to pursue Application 57645.<sup>1</sup> Return receipts for the letter to the applicants and to the agent, Baughman and Turner, were received on January 4, 1999, and December 28, 1998, respectively.<sup>1</sup> The return receipt for certified mail to the applicants' agent, Brent H. Wolz, was received in the State Engineer's Office on December 31, 1998, followed by return of the actual letter to Mr. Wolz with a note on it stating that the letter was "Sent to us in error."<sup>1</sup> The letter was then re-sent by certified mail to Mr. Wolz's address as shown in the Nevada State Board of Professional Engineers and Land Surveyors Roster. The letter was returned stamped by the U.S. Postal Service, "Return to Sender, Forwarding Order Expired."<sup>1</sup> To date there has been no response to this notification from either the applicants or their agents regarding Application 57645.<sup>1</sup>

**CONCLUSIONS**

**I.**

The State Engineer has jurisdiction over the parties and the subject matter of this action and determination.<sup>3</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.<sup>4</sup>

---

<sup>3</sup> NRS Chapters 533 and 534.

<sup>4</sup> NRS § 533.375.

III.

The State Engineer is prohibited by law from granting a permit under an application change where:<sup>5</sup>

1. the proposed use conflicts with existing rights, or
2. the proposed use threatens to prove detrimental to the public interest.

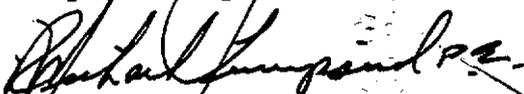
IV.

The applicants under Application 57645 were properly notified of the requirement for information concerning the application and have failed to submit the information to the State Engineer's office. Therefore, the State Engineer concludes that sufficient information is not available to properly guard the public interest.

RULING

Application 57645 is 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 a permit under this application would threaten to prove detrimental to the public interest.

Respectfully submitted,

  
R. MICHAEL TURNIPSEED, P.E.  
State Engineer

RMT/CAB/cl

Dated this 11th day of  
March, 1999.

---

<sup>5</sup> NRS § 533.370(3).