

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

IN THE MATTER OF APPLICATIONS 61165,)
61271 AND 61272 FILED TO APPROPRIATE)
THE PUBLIC WATERS FROM UNDERGROUND)
SOURCES WITHIN THE LOWER MEADOW)
VALLEY WASH HYDROGRAPHIC BASIN (205),)
CLARK COUNTY, NEVADA.)

RULING

4884

GENERAL

I.

Application 61165 was filed on April 24, 1995, by Rivers End Sand and Gravel Co. to appropriate 6.0 cubic feet per second (cfs) of the waters of an underground source for industrial purposes within the E1/2 SE1/4 of Section 1, T. 13 S., R. 65 E., and Lots 6 and 7 in the W1/2 of Section 6, T. 13 S., R.66 E., M.D.B.&M. The proposed point of diversion is described as being located within the SE 1/4 SE 1/4 of Section 1, T. 13 S., R. 65 E., M.D.B.&M.¹

II.

Application 61271 was filed on May 31, 1995, by Rivers End Sand and Gravel Co. to appropriate 2.0 c.f.s. of the waters of an underground source for industrial purposes within the E1/2 SE1/4 of Section 1, T. 13 S., R. 65 E., and Lots 6 and 7 in the W1/2 of Section 6, T. 13 S., R.66 E., M.D.B.&M. The proposed point of diversion is described as being located within Lot 7 in the W1/2 of Section 6, T. 13 S., R. 66 E., M.D.B.&M.²

III.

Application 61272 was filed on May 31, 1995, by Rivers End Sand and Gravel Co. to appropriate 2.0 c.f.s. of the waters of an underground source for industrial purposes within the E1/2 SE1/4 of Section 1, T. 13 S., R. 65 E., and Lots 6 and 7 in the W1/2 of Section 6, T. 13 S., R.66 E., M.D.B.&M. The proposed point of diversion is described as being located within the SE1/4 SE1/4 of Section 1, T. 13 S., R. 65 E., M.D.B.&M.³

¹ File No. 61165, official records in the office of the State Engineer.

² File No. 61271, official records in the office of the State Engineer.

³ File No. 61272, official records in the office of the State Engineer.

IV.

Applications 61165, 61271, and 61272 were timely protested by United States Department of the Interior, National Park Service on various grounds.^{1,2,3}

FINDINGS OF FACT

I.

During preliminary review of the applications, Nevada Secretary of State corporate information dated December 20, 1999, indicated that Rivers End Sand & Gravel Co. had a revoked corporate status. The State Engineer requested the applicant to submit updated corporate status for Rivers End Sand and Gravel Co. by certified letter dated December 30, 1999.^{1,2,3} The applicant was notified that a revoked corporation could not legally acquire water rights in Nevada. The letter was mailed to the current address on file and assigned a 30-day time limit from December 30, 1999, to submit the corporate status information. The letters to Rivers End Sand and Gravel Co. and Charles M. Baxter, Jr. were returned by the U.S. Postal Service marked as undeliverable.^{1,2,3} A properly endorsed receipt is on file for the applicant's agent, Richard V. Wyman. The State Engineer finds that the applicant and its agent were properly noticed of the request for additional information and that to date no information has been received.

II.

A review of assignment of ownership records on file in the office of the State Engineer indicates that no transfer of ownership documents have been received to date to change the ownership of Applications 61165, 61271 and 61272. The State Engineer finds that Rivers End Sand and Gravel Co. remains the owner of record of the said applications and as the current owner of record it has been properly noticed of the need to submit corporate status information.

CONCLUSIONS

I.

The State Engineer has jurisdiction over the parties and the subject matter of this action and determination.⁴

⁴ NRS chapters 533 and 534.

II.

The State Engineer is prohibited by law from granting an application to appropriate the public waters where:⁵

- 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.⁶

IV.

The applicant and its agent were properly notified of the requirement for additional information concerning said applications and have failed to submit the information requested to the State Engineer. The State Engineer concludes that without the information requested sufficient information is not available for the State Engineer to properly guard the public interest.

V.

Records on file with the Nevada Secretary of State indicate a revoked corporate status for applicant Rivers End Sand and Gravel Co. The State Engineer concludes that issuance of a permit to a revoked corporation would not properly guard the public interest.

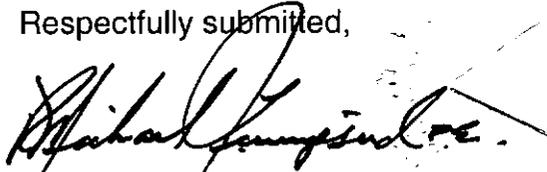
⁵ NRS § 533.370(3).

⁶ NRS 533.375.

RULING

Applications 61165, 61271 and 61272 are hereby denied on the grounds that the applicant has not submitted the information requested by the State Engineer and that without this information the approval of said applications would threaten to prove detrimental to the public interest. The said applications are also denied on the grounds that the applicant is the current owner of record and has a revoked corporate status, and that the approval of said applications would threaten to prove detrimental to the public interest. No ruling is made on the merits of the protests.

Respectfully submitted,



R. MICHAEL TURNIPSEED, P.E.

State Engineer

RMT/DJL/cl

Dated this 17th day of
March, 2000.