

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

IN THE MATTER OF APPLICATIONS 54232)
AND 54483 FILED TO APROPRIATE THE)
PUBLIC WATERS OF AN UNDERGROUND)
SOURCE WITHIN THE GARNET VALLEY)
HYDROGRAPHIC BASIN (216), CLARK)
COUNTY, NEVADA.)

RULING

5055

GENERAL

I.

Application 54232 was filed on December 14, 1989, by Kerr-McGee Chemical Corporation to appropriate 0.30 cubic feet per second (cfs) of water from an underground source for commercial purposes within portions of Sections 9, 10, 15, and 16, T.18S., 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 16.¹

II.

Application 54483 was filed on February 26, 1990, by Kerr-McGee Chemical Corporation to appropriate 1.0 cfs of water from an underground source for commercial purposes within the N $\frac{1}{2}$, and N $\frac{1}{2}$ N $\frac{1}{2}$ N $\frac{1}{2}$ S $\frac{1}{2}$ of Section 15 and the E $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$ NE $\frac{1}{4}$ and the N $\frac{1}{2}$ N $\frac{1}{2}$ N $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 16, all within T.18S., 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 16.²

FINDINGS OF FACT

I.

The applicant was notified by certified mail dated March 28, 1990, that additional information was needed regarding Application 54232. The return receipt from this certified letter was received in the office of the State Engineer on April 4, 1990. The State Engineer finds that to date the information requested has not been received.¹

¹ File No. 54232, official records in the office of the State Engineer.

² File No. 54483, official records in the office of the State Engineer.

II.

The applicant and its agent were notified by certified mail dated March 2, 2001, that additional information was needed regarding Applications 54232 and 54483. The applicant was notified that failure to respond within 30 days might result in denial of the applications. The return receipts from this certified letter were received in the office of the State Engineer from the above two parties on March 9 and March 16, 2001, respectively. The State Engineer finds that to date the information requested has not been received.^{1, 2}

III.

The State Engineer finds that the applicant and its agent were properly notified of the request for additional information and failed to respond.^{1, 2}

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.⁴

III.

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;
- C. the proposed use conflicts with protectible interests in existing domestic wells as set forth in NRS 533.024; or
- D. the proposed use threatens to prove detrimental to the public interest.

³ NRS chapters 533 and 534.

⁴ NRS § 533.375.

⁵ NRS § 533.370(3).

IV.

The applicant and its agent were properly notified of the requirement for additional information concerning these applications 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.

RULING

Applications 54232 and 54483 are hereby denied on the grounds that the applicant and its agent have not submitted the information requested by the State Engineer's office, and that without this information the granting of the applications would threaten to prove detrimental to the public interest.

Respectfully submitted,



HUGH RICCI, P.E.
State Engineer

HR/RAD/hf
Dated this 10th day of
August, 2001.