

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATION 42404)  
FILED TO APPROPRIATE THE PUBLIC)  
WATERS OF AN UNDERGROUND SOURCE IN)  
THE MESQUITE VALLEY GROUND WATER)  
BASIN, CLARK COUNTY, NEVADA. )

RULING

GENERAL

Application 42404 was filed on September 8, 1980, by Paul C. Lorenzo to appropriate 1.0 c.f.s. of water from an underground source for recreational purposes within the SE1/4 SE1/4 Section 16, T.25S., R.57E., M.D.B.&M. The point of diversion is described as being within the SE1/4 SE1/4 Section 16, T.25S., R.57E., M.D.B.&M.<sup>1</sup>

FINDINGS OF FACT

I.

The applicant was notified by letters dated November 17, 1981, and September 16, 1983, to submit additional information to the State Engineer's office regarding ownership and consumptive use.

To date, no response has been received from the applicant by the office of the State Engineer.<sup>1</sup>

II.

The applicant was again notified by certified mail dated December 7, 1984, to submit the additional information requested by the State Engineer's office. The return receipt was received from the addressee on December 13, 1984. To date, no response has been received from the applicant by the office of the State Engineer.<sup>1</sup>

CONCLUSIONS

I.

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

II.

Before either approving or rejecting an application, the State Engineer may require such additional information as will enable him to guard the public interest properly.<sup>3</sup>

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<sup>1</sup> Public record in the office of the State Engineer.

<sup>2</sup> NRS Chapters 533 and 534.

<sup>3</sup> NRS 533.375.

III.

The State Engineer is prohibited by law from granting a permit under an application to appropriate the public waters where:<sup>4</sup>

- 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 applicant has failed, to date, to submit the information requested by the State Engineer's office, and therefore sufficient information is not available to the State Engineer to guard the public interest properly.

RULING

Application 42404 is herewith denied on the grounds that the applicant has not submitted the information requested by the State Engineer's office and therefore the granting of said application without the requested information would not be in the public interest.

Respectfully submitted,

  
PETER G. MORROS  
State Engineer

PGM/MM/bl

Dated this 20th day of  
February, 1987.

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<sup>3</sup> NRS 533.375.

<sup>4</sup> NRS 533.370(3).