

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

IN THE MATTER OF APPLICATION 53366 )  
FILED TO APPROPRIATE THE PUBLIC WATERS)  
OF AN UNDERGROUND SOURCE WITHIN THE )  
GARNET VALLEY GROUNDWATER BASIN, CLARK)  
COUNTY, NEVADA. )

RULING

GENERAL

I.

Application 53366 was filed on June 8, 1989, by Great Star Cement Corporation to appropriate 3.13 c.f.s. of water from an underground source for mining and milling purposes within Sections 5 and 8, T.18S., R.64E., M.D.B.&M. The point of diversion is described as being within the SE1/4 NE1/4 Section 8, T.18N., R.64E., M.D.B.&M.<sup>1</sup>

FINDINGS OF FACT

I.

The applicant and agent were notified by mail on October 16, 1989, to submit additional information to the State Engineer's office regarding consumptive use, specifically requesting data concerning water conservation measures and amount of water to be recycled. The return receipts were received from the addresses on October 20 and October 23, 1989.<sup>2</sup> To date the information requested has not been received from the applicant or agent.<sup>3</sup>

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1 Public record in the office of the State Engineer.

2 See Certified Mail, Return Receipt No's. P 117 628 233 and P 117 628 232.

3 A check of the record of the State Engineer indicates that no information has been received.

II.

The applicant and agent were again notified by certified mail on December 6, 1989, to submit the additional information requested by the State Engineer's office. The return receipts were received from the addressees on December 11, 1989 and December 13, 1989. The letter assigned a 30 day time limit to file the required information or request a postponement of further action as provided by NRS 533.370, subsection 2. To date the information requested has not been received from the applicant or agent.<sup>4</sup>

CONCLUSIONS

I.

The State Engineer has jurisdiction of the parties and the subject matter of this action and determination.<sup>5</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>6</sup>

III.

The State Engineer is prohibited by law from granting a permit under an application to appropriate the public waters where:<sup>7</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.

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<sup>4</sup> See Certified Mail, Return Receipt No's. P 560 419 927 and P 560 419 926.

<sup>5</sup> NRS Chapters 533 and 534.

<sup>6</sup> NRS 533.375.

<sup>7</sup> NRS 533.370(3).

IV.

The owner of record and agents have failed to submit the information requested by the State Engineer's office. Therefore sufficient information is not available to the State Engineer to guard the public interest properly.

RULING

Application 53366 is hereby 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 additional information requested would not be in the public interest.

Respectfully submitted,



R. MICHAEL TURNIPSEED, P.E.  
State Engineer

RMT/DJL/pm

Dated this 29th day of  
June, 1990