

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

IN THE MATTER OF APPLICATION 26531)  
FILED TO APPROPRIATE THE PUBLIC )  
WATERS OF AN UNDERGROUND SOURCE, )  
WITHIN THE LAS VEGAS VALLEY )  
ARTESIAN BASIN, CLARK COUNTY, )  
NEVADA. )

RULING

# 3928

GENERAL

I.

Application 26531 was filed on February 9, 1972, by John D. Cardinell to appropriate 0.003 c.f.s. (cubic feet per second) of water from an underground source for quasi-municipal and domestic purposes within the SW1/4 NW1/4 Section 2, T.22S., R.61E., M.D.B.&M. The point of diversion is described as being within the SW1/4 NW1/4 Section 2, T.22S., R.61E., M.D.B.&M. Application 26531 became ready for the State Engineer's action July 25, 1972.<sup>1</sup>

II.

Application 26351 was timely protested on July 3, 1972, by Paul A. Lloyd on the following grounds, to wit:

"Pursuant to that Certificate of Appropriation No. 4490, recorded in Book 13 at page 4690, as Document 101331, the existing facilities for pumping, storage and pipeline are adequate only for domestic purposes and for the serving of two homes, all as set out in the Certificate of Appropriation and insufficient for quasi-municipal purposes, and the applicant has been in violation of the existing Certificate during the last 4 years by use of the well for three residences and by constant waste of water.

Wherefore protestant prays that the application be denied."<sup>1</sup>

---

<sup>1</sup> Public record in the office of the State Engineer, Application 26531.

FINDINGS OF FACT

I.

On May 4, 1972, this office processed a deed changing the owner-of record of Application 26531 from John D. Cardinell to John D. and Theresa D. Cardinell.<sup>1</sup>

II.

The State Engineer finds that Certificate 4490 was issued under Permit 15083 March 12, 1957 for 0.02 c.f.s., not to exceed 2500 gallons per day for quasi-municipal purposes for 2 houses located within the SW1/4 NW1/4 Section 2, T.22S., R.61E., M.D.B.&M. The point of diversion is described as being located within the SW1/4 NW1/4 Section 2, T.22S., R.61E., M.D.B.&M. The State Engineer's records show that Certificate 4490 stands in the name of Jacob C. and Ruth P. Christman.<sup>2</sup> The data collected for Permit 15083 for the Las Vegas Valley Basin ground water pumpage inventory on May 20, 1992 reported 2 average sized houses and pumpage of 2.8 acre-feet.<sup>3</sup>

III.

The State Engineer finds that the proposed place of use of 26531 is within the place of use existing under Permit 15083, Certificate 4490.<sup>4</sup>

IV.

The State Engineer finds that Mr. Cardinell received notice that Application 26531 had been protested by letter dated July 12, 1972.<sup>1</sup>

Mr. Cardinell's reply was received in the State Engineer's office July 24, 1972. The State Engineer finds that Mr. Cardinell did not request a hearing to resolve the protest of Application

---

<sup>2</sup> Public record in the office of the State Engineer, Permit 15083, Certificate 4490.

<sup>3</sup> Data collected by the Division of Water Resources, Southern Nevada Branch Office. Pumpage inventories are maintained by meter readings and data provided by local water companies.

<sup>4</sup> Public record in the office of the State Engineer, maps filed in support of Application 26531 and Permit 15083.

26531 in the letter received July 24, 1972.<sup>1</sup>

V.

The applicant was notified by certified mail on March 2, 1990, to submit additional information to the State Engineer's office regarding his plans concerning Application 26531. The letter to the applicant was returned to the State Engineer's office by the United States Postal Service as unclaimed. The letter was sent by regular mail on March 27, 1990. To date the information requested has not been received from the applicant.<sup>1</sup>

VI.

The protestant, Paul A. Lloyd, was sent by certified mail a copy of the March 2, 1990, letter addressed to the applicant. This letter to the protestant was returned by the United States Postal Service as unclaimed. The copy of the letter was sent by regular mail on March 27, 1990. To date there has been no response from the protestant regarding Application 26531.<sup>1</sup>

CONCLUSIONS

I.

The State Engineer has jurisdiction of the parties and the subject matter of this action and determination under the provisions of NRS 533.325, NRS 533.335, and NRS 533.340.

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>5</sup>

III.

The applicant has been properly notified of the requirement for additional information concerning this application and has failed to submit the required information to the State Engineer's office. Therefore, sufficient information is not available to the State Engineer to guard the public interest properly.

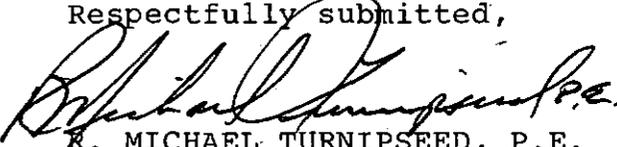
---

<sup>5</sup> NRS 533.375.

RULING

Application 26531 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 would not be in the public interest. Furthermore, the protest to Application 26531 is hereby upheld.

Respectfully submitted,



R. MICHAEL TURNIPSEED, P.E.  
State Engineer

RMT/CAB/pm

Dated this 21st day of  
January, 1993.