

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

IN THE MATTER OF APPLICATION 35649)
FILED TO APROPRIATE THE PUBLIC)
WATERS OF AN UNDERGROUND SOURCE)
WITHIN ANTELOPE VALLEY HYDROGRAPHIC)
BASIN (106), DOUGLAS COUNTY, NEVADA.)

RULING

4922

GENERAL

I.

Application 35649 was filed on July 21, 1978, by Joseph S. Lodato to appropriate 0.71 cubic feet per second of water from an underground source for commercial and domestic purposes within the S $\frac{1}{2}$ of Section 17, the S $\frac{1}{2}$ of Section 18, the N $\frac{1}{2}$ NE $\frac{1}{4}$ and the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 19, all in T.10N., R.22E., M.D.B.&M. The proposed point of diversion is described as being located within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, of Section 18, T.10N., R.22E., M.D.B.&M.¹

FINDINGS OF FACT

I.

The applicant was notified by certified mail dated August 10, 1999, that additional information was needed regarding Application 35649. The return receipt from the certified letter was received in the office of the State Engineer on August 17, 1999. The State Engineer finds that to date the information requested has not been received.¹

II.

The State Engineer finds that the applicant was properly notified of the request for additional information and failed to respond.¹

CONCLUSIONS

I.

The State Engineer has jurisdiction over the parties and of the subject matter of this action and determination.²

¹ File No. 35649, official records in the office of the State Engineer.

² NRS chapters 533 and 534.

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.³

III.

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

- 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.

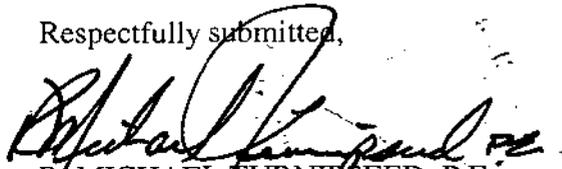
IV.

The applicant was properly notified of the requirement for additional information concerning this application and has 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

Application 35649 is hereby denied on the grounds that the applicant has not submitted the information requested by the State Engineer's office and that without this information the granting of the application would threaten to prove detrimental to the public interest.

Respectfully submitted,


R. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/RAD/cl
Dated this 9th day of
May, 2000.

³ NRS § 533.375.

⁴ NRS § 533.370(3).