

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

IN THE MATTER OF APPLICATION 55099)
FILED TO APPROPRIATE THE PUBLIC)
WATERS OF AN UNDERGROUND SOURCE)
WITHIN THE GARNET VALLEY)
HYDROGRAPHIC BASIN (216), CLARK)
COUNTY, NEVADA.)

RULING

5100

GENERAL

I.

Application 55099 was filed on July 19, 1990, by Richard F. Riordan to appropriate 1.0 cubic foot per second of underground water for industrial and domestic purposes within portions of the S $\frac{1}{2}$ S $\frac{1}{2}$ of Section 7, the NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ and a portion of the S $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 18 and the NW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{2}$ of Section 19, all within, T.18S., R.64E., M.D.B.&M. and NE $\frac{1}{4}$ SE $\frac{1}{4}$ and a portion of the E $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 13, T.18S., R.63E., M.D.B.&M. The proposed point of diversion is described as being located within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 7, T.18S., R.64E., M.D.B.&M.¹

II.

Application 55099 was timely protested by the United States Department of the Interior, National Park Service on grounds that will not be considered in this ruling.¹

III.

Title to Application 55099 was assigned to Construction Products, Inc., on February 21, 1992, in the records of the Office of the State Engineer¹

FINDINGS OF FACT

I.

Once a water right application is accepted for filing in the Office of the State Engineer, it is assigned a serial number,

¹ File No. 55099, official records in the Office of the State Engineer.

under which all documents and correspondence associated with this specific water right are filed. Information derived from this file is used to identify the names and addresses of those parties that must be contacted in matters regarding the application. Should changes in ownership and addresses occur, it is the applicant's responsibility to advise the State Engineer of these changes. An examination of the file created under Application 55099 identifies at least five addresses associated with Construction Products, Inc. The State Engineer finds that it is the applicant's responsibility to designate and maintain a valid current mailing address in the records of the Office of the State Engineer.

II.

Application 55099 requests an appropriation of underground water for an aggregate processing operation whose annual consumptive use of water was estimated to be 724 acre-feet.¹ When considering an application that requests this manner of use, the State Engineer often requires the applicant to provide a more detailed description of the project and its anticipated water usage. The State Engineer finds that the original mineral processing information contained within Application 55099 is insufficient and must be supplemented with additional justification and consumptive use data.

III.

By certified mail dated August 24, 2000, the applicant was noticed at its multiple addresses to submit updated justification and consumptive use data and to identify its correct mailing address. The applicant was also advised that a failure to submit this information within sixty days from the date of the notice would subject Application 55099 to possible denial. Signed receipts for three of the five certified letters were received in the Office of the State Engineer. To this day, no response to the August 24, 2000, request for additional information has been received from the applicant.¹ The State Engineer finds that the

applicant has been properly noticed, at its address of record, of the need to provide additional information regarding Application 55099 and has failed to do so; therefore, Application 55099 is subject to denial.

CONCLUSIONS

I.

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

II.

The State Engineer is prohibited by law from granting an application to appropriate the public waters where:³

- A. there is no unappropriated water at the proposed source;
- B. the proposed use or change conflicts with existing rights;
- C. the proposed use or change conflicts with protectible interests in existing domestic wells as set forth in NRS § 533.024; or
- D. the proposed use or change threatens to prove detrimental to the public interest.

III.

The applicant was properly noticed by the Office of the State Engineer to submit additional information concerning Application 55099. This request was made with the understanding that a failure to respond would represent a lack of interest on the applicant's part to complete the application. To this date, no information relevant to Application 55099 has been submitted to the State Engineer's office. The State Engineer concludes that the applicant has not expressed any interest in completing Application 55099; therefore, it can be considered for denial.

² NRS chapters 533 and 534.

³ NRS § 533.370(3).

RULING

Application 55099 is hereby denied on the grounds that the approval of an application that the applicant has no intention in completing would threaten to prove detrimental to the public interest. No ruling is made on the merits of the protest.

Respectfully submitted,



HUGH RICCI, P.E.
State Engineer

HR/MB/jm

Dated this 20th day of
February, 2002.