

IN THE MATTER OF APPLICATION 22713)
FILED TO CHANGE THE POINT OF)
DIVERSION AND PLACE OF USE OF)
WATER HERETOFORE APPROPRIATED,)
CLARK COUNTY, NEVADA)

R U L I N G

Application 22713 was filed on August 2, 1965, by Frank R. and Lola V. Sullivan to change the point of diversion and place of use of 0.30 c.f.s. not to exceed 119.30 acre-feet annually of the waters of an underground source heretofore appropriated under Permit 13444, Certificate 4950. Application 22713 was signed by Bennett James Vasey for the applicants.

The application was considered by the Las Vegas Valley Ground Water Board at a meeting of February 1, 1966. The following is quoted from the minutes of that meeting: "Mr. Jim Vasey, representative for the applicant stated that the applicant advised him, as agent, to withdraw this application due to the fact that he is going to sell this property. Mr. Vasey also said he would send a letter to Mr. Hennen as a formal withdrawl."

In a letter of February 15, 1966, the applicants' agent was advised that if it was the intent to withdraw Application 22713, a letter of withdrawl would be appreciated. No reply has been received.

Provisions of NRS 533.370 include in part: "The state engineer shall approve all applications made in proper form where all fees, as provided in this chapter, have been paid which contemplate the application of water to beneficial use, ---"

It is our opinion that the expression of intent to withdraw the application as described is an indication that the applicants do not contemplate the application of water to beneficial use under Application 22713.

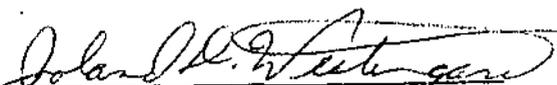
RULING

Application 22713 is denied on the grounds that the applicants do not contemplate the application of water to beneficial use under this application.

Respectfully submitted,

GEORGE W. HENNEN
State Engineer

Dated this 5th day of
May, 1966

BY: 
Roland D. Westergard