

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATION 43218)
FILED TO APPROPRIATE THE PUBLIC)
WATERS OF AN UNDERGROUND SOURCE)
WITHIN THE LAS VEGAS ARTESIAN BASIN,)
CLARK COUNTY, NEVADA.)

RULING

GENERAL

Application 43218 was filed on February 17, 1981, by Cherryl Ann Ritter to appropriate 0.1 c.f.s. of water from and underground source for quasi-municipal purposes within Section 10, T.20S., R.60E., M.D.B.&M. The point of diversion is described as being within the NW1/4 NW1/4 Section 10, T.20S., R.60E., M.D.B.&M.¹

FINDINGS OF FACT

I.

The point of diversion proposed under Application 43218 filed by Cherryl Ann Ritter is the same well site as Permit 40507 under the name of Frank and Barbara M. Cavaricci, Richard D. Zamarchi and Janice L. Hardisty, a one-half interest; and Theodore G. and Carol A. Hahn, a one-half interest. The State Engineer requested an agreement between Cherryl Ann Ritter and the owners of record under Permit 40507 stating that Cheryl Ann Ritter has permission to utilize the same well to serve one (1) additional home under 43218.¹

II.

The applicant was notified on February 14, 1985, to submit additional information to the State Engineer's office regarding an agreement between the applicant under 43218 and the owner of record under Permit 40507.

To date no response has been received from the applicant by the office of the State Engineer.¹

¹ Public record in the office of the State Engineer.

III.

The applicant was again notified by certified mail on September 18, 1986, to submit the additional information requested by the State Engineer's office. To date no response has been received from the applicant by the office of the State Engineer.¹

CONCLUSIONS

I.

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

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.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, or
- B. The proposed use conflicts with existing rights, or
- C. The proposed use threatens to prove detrimental to the public welfare.

² NRS Chapter 533 and 534.

³ NRS 533.375.

⁴ NRS 533.370(3).

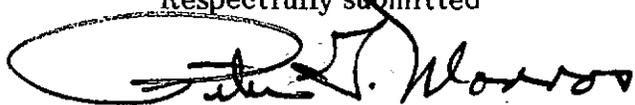
IV.

The applicant has failed, to date, to submit the information requested by the State Engineer's office, and therefore sufficient information is not available to the State Engineer to guard the public interest properly.

RULING

Application 43218 is herewith 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 requested information would not be in the public interest.

Respectfully submitted

A handwritten signature in black ink, appearing to read "Peter G. Morros", is written over a faint, circular stamp or watermark.

Peter G. Morros
State Engineer

PGM/MM/bk

Dated this 11th day of
July, 1988.