

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATIONS 49333)
AND 49334 FILED TO APPROPRIATE THE)
PUBLIC WATERS OF AN UNDERGROUND)
SOURCE WITHIN THE LOWER MEADOW)
VALLEY WASH GROUNDWATER BASIN,))
CLARK COUNTY, NEVADA.)

RULING 3398

GENERAL

Application 49333 was filed on September 4, 1985, by Derefield Associates to appropriate 1.0 c.f.s. of water from an underground source for milling and metallurgical purposes within the SE1/4 SW1/4 Section 18, T.13S., R.66E., M.D.B.&M. The point of diversion is described as being within the NE1/4 SW1/4 Section 18, T.13S., R.66E., M.D.B.&M.¹

Application 49334 was filed on September 4, 1985, by Derefield Associates to appropriate 1.0 c.f.s. of water from an underground source for milling and metallurgical purposes within the SE1/4 SW1/4 Section 18, T.13S., R.66E., M.D.B.&M. The point of diversion is described as being within the NE1/4 SW1/4 Section 18, T.13S., R.66E., M.D.B.&M.¹

FINDINGS OF FACT

I.

The applicant was notified by certified mail on December 20, 1985, to submit additional information to the State Engineer's office regarding consumptive use, specifically, requesting data concerning water conservation measures and amount of water to be recycled. The return receipt was received from the addressee on December 30, 1985. To date the information requested has not been received from the applicant.¹

II.

The applicant was again notified by certified mail on March 12, 1986, to submit the additional information requested by the State Engineer's office. The return receipt was received from the addressee on March 19, 1986. The letter assigned a 30 day time limit to file the required information or request a postponement of further action as provided by NRS 533.370, subsection 2. To date the information requested has not been received from the applicant.¹

¹ Public record in the office of the State Engineer.

III.

Daisy Wong-Denman, a specified copartner in Derefield Associates, indicated per telecon of May 16, 1986, that the notification letter of December 20, 1985, had never been received. A copy of the notice was mailed to Derefield Associates on May 22, 1986. 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 interest.

² NRS Chapters 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. Therefore sufficient information is not available to the State Engineer to guard the public interest properly.

RULING

Applications 49333 and 49334 are 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 applications without the additional information requested would not be in the public interest.

Respectfully submitted,



PETER G. MORROS
State Engineer

PGM/DL/jjk

Dated this 20th day of
November, 1986.