

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

IN THE MATTER OF APPLICATIONS 59177 AND)
59178 FILED TO APROPRIATE THE PUBLIC)
WATERS OF AN UNDERGROUND SOURCE)
WITHIN ELDORADO VALLEY HYDROGRAPHIC)
BASIN (167), CLARK COUNTY, NEVADA.)

RULING

4959

GENERAL

I.

Application 59177 was filed on August 26, 1993, by Transco Power Company to appropriate 0.2 cubic feet per second (cfs), not to exceed 40 acre-feet annually, of water from an underground source for industrial purposes within the E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 13, T.24S., R.62E., M.D.B.&M. The proposed point of diversion is described as being located within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 13.¹

II.

Application 59178 was filed on August 26, 1993, by Transco Power Company to appropriate 0.2 cfs, not to exceed 40 acre-feet annually, of water from an underground source for industrial purposes within the E $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 13, T.24S., R.62E., 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 said Section 13.²

FINDINGS OF FACT

I.

The applicant was notified by certified mail dated August 7, 1996, and May 9, 2000, that additional information regarding these applications was necessary. The return receipts for the certified letters were received in the office of the State Engineer on August 20, 1996, and May 18, 2000. The State Engineer finds that to date the information requested has not been received.^{1,2}

II.

The State Engineer finds that the applicant was properly notified of the request for additional information and failed to respond.^{1,2}

¹ File No. 59177, official records in the office of the State Engineer.

² File No. 59178, official records in the office of the State Engineer.

CONCLUSIONS

I.

The State Engineer has jurisdiction over the parties and of the subject matter of this action and determination.³

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.⁴

III.

The State Engineer is prohibited by law from granting a permit under an application to appropriate the public waters where:⁵

- 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 these applications 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.

³ NRS chapters 533 and 534.

⁴ NRS § 533.375.

⁵ NRS § 533.370(3).

RULING

Applications 59177 and 59178 are 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 applications would threaten to prove detrimental to the public interest.

Respectfully submitted,



HUGH RICCI, P.E.
State Engineer

HR/RAD/cl

Dated this 23rd day of
August, 2000.