

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

IN THE MATTER OF APPLICATIONS 54348,)
54349, 54350, 54351, AND 54352 FILED TO)
APPROPRIATE THE PUBLIC WATERS OF)
AN UNDERGROUND SOURCE WITHIN THE)
GARNET VALLEY HYDROGRAPHIC BASIN)
(216), CLARK COUNTY, NEVADA.)

RULING

5054

GENERAL

I.

Application 54348 was filed on January 19, 1990, by James W. Adams to appropriate 0.3 cubic foot per second (cfs) of water from an underground source for industrial and domestic purposes within the NW $\frac{1}{4}$ and the SW $\frac{1}{4}$ of Section 12, and the SE $\frac{1}{4}$ and the NE $\frac{1}{4}$ of Section 11, all within T.18S., R.63E., M.D.B.&M. The proposed point of diversion is described as being located within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 12.¹

II.

Application 54349 was filed on January 19, 1990, by James W. Adams to appropriate 0.15 cfs of water from an underground source for industrial and domestic purposes within the NW $\frac{1}{4}$ and the SW $\frac{1}{4}$ of Section 12, and the SE $\frac{1}{4}$ and the NE $\frac{1}{4}$ of Section 11, all within 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 said Section 11.²

III.

Application 54350 was filed on January 19, 1990, by James W. Adams to appropriate 0.3 cfs of water from an underground source for industrial and domestic purposes within the NW $\frac{1}{4}$ and the SW $\frac{1}{4}$ of Section 12, and the SE $\frac{1}{4}$ and the NE $\frac{1}{4}$ of Section 11, all within T.18S., R.63E., M.D.B.&M. The proposed point of diversion is described as being located within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 11.³

¹ File No. 54348, official records in the office of the State Engineer.

² File No. 54349, official records in the office of the State Engineer.

³ File No. 54350, official records in the office of the State Engineer.

IV.

Application 54351 was filed on January 19, 1990, by James W. Adams to appropriate 0.15 cfs of water from an underground source for industrial and domestic purposes within the NW¼ and the SW¼ of Section 12, and the SE¼ and the NE¼ of Section 11, all within T.18S., R.63E., M.D.B.&M. The proposed point of diversion is described as being located within the SW¼ NE¼ of said Section 11.⁴

V.

Application 54352 was filed on January 19, 1990, by James W. Adams to appropriate 0.30 cubic feet per second of water from an underground source for industrial and domestic purposes within the NW¼ and the SW¼ of Section 12, and the SE¼ and the NE¼ of Section 11, all in T.18S., R.63E., M.D.B.&M. The proposed point of diversion is described as being located within the SE¼ NW¼ of said Section 11.⁵

FINDINGS OF FACT

I.

The applicant and his agent were notified by certified mail dated March 2, 2001, that additional information was needed regarding Applications 54348 through 54352, inclusive. The applicant was warned that failure to respond within 30 days might result in denial of the applications. The certified letter to the applicant was returned by the United States Postal Service on March 12, 2001, marked "RETURN TO SENDER ATTEMPT UNKNOWN". The return receipt from the certified letter to the agent was received in the office of the State Engineer on March 19, 2001. The State Engineer finds that to date the information requested has not been received.^{1, 2, 3, 4, 5}

II.

The State Engineer finds that it is the responsibility of the applicants, or their successors-in-interest, to keep this office informed of a current mailing address.

III.

The State Engineer finds that the applicant and his agents were properly notified of the request for additional information and failed to respond.^{1, 2, 3, 4, 5}

⁴ File No. 54351, official records in the office of the State Engineer.

⁵ File No. 54352, official records in the office of the State Engineer.

CONCLUSIONS

I.

The State Engineer has jurisdiction over the parties and the subject matter of this action and determination.⁶

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.⁷

III.

The State Engineer is prohibited by law from granting an application to appropriate the public waters where:⁸

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

IV.

The applicant and his agent were properly notified of the requirement for additional information concerning these applications and have 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.

⁶ NRS chapters 533 and 534.

⁷ NRS § 533.375.

⁸ NRS § 533.370(3).

RULING

Applications 54348 through 54352, inclusive, are hereby denied on the grounds that the applicant and his agent have 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/hf

Dated this 10th day of
August, 2001.