

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

IN THE MATTER OF APPLICATION)
65379 FILED TO APPROPRIATE THE)
PUBLIC WATERS OF THE LAS VEGAS)
ARTESIAN HYDROGRAPHIC BASIN)
(212), CLARK COUNTY, NEVADA.)

RULING

#5772

GENERAL

I.

Application 65379 was filed on August 2, 1999, by Charles E. and Julia Dianne Hatchell to appropriate 1.0 acre-foot annually of the underground water of the Las Vegas Artesian Hydrographic Basin for quasi-municipal and domestic purposes within the Lot 30 in the W½ SE¼ NE¼ NW¼ of Section 6, T.20S., R.60E., M.D.B.&M. The proposed point of diversion is described as being located in the NE¼ NW¼ of said Section 6.¹

FINDINGS OF FACT

I.

By letter dated January 27, 2000, the State Engineer's office informed the Applicants as to problematic issues related to Application 65379 and informed the Applicants the State Engineer was hesitant to issue a permit under Application 65379. The State Engineer's office informed the Applicants a new application should be filed and Application 65379 withdrawn. The State Engineer finds no response to this letter was received in the Office of the State Engineer.

II.

On November 23, 2005, a second letter was sent by certified mail to the Applicants indicating that no response had been received to the January 27, 2000, letter and again the State Engineer's office informed the Applicants of problematic issues

¹ File No. 65379 official records in the Office of the State Engineer.

with Application 65379 and that a new application needed to be filed. The Applicants were informed that they needed to respond within 30 days of the date of the letter and that failure to respond might result in denial of Application 65379. This certified mailing was returned to the Office of the State Engineer by the U.S. Postal Service stamped "Unclaimed."¹

On October 12, 2006, another letter was sent by certified mail and regular mail to the Applicants. This letter informed the Applicants that a new revised application was necessary and that they needed to respond within 30 days from the date of the letter or Application 65379 would be denied.

A properly endorsed certified mail receipt was received from the Applicants in the Office of the State Engineer on October 20, 2006. To date, no additional information has been received in the Office of the State Engineer regarding this matter.

The State Engineer finds that the failure of the Applicants to respond to the requested information allows Application 65379 to be considered for denial.

CONCLUSIONS

I.

The State Engineer has jurisdiction over 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 properly guard the public interest.³

III.

The State Engineer is prohibited by law from granting an application to appropriate the public waters where:⁴

² NRS chapters 533 and 534.

³ NRS § 533.375.

⁴ NRS § 533.370(5).

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

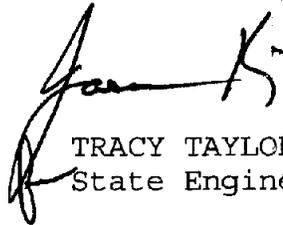
IV.

The State Engineer concludes that the Applicants have failed to respond to the request for additional information and have not demonstrated an interest in pursuing Application 65379; therefore, the application must be denied.

RULING

Application 65379 is hereby denied on the grounds that the Applicants have failed to provide the necessary information in order to pursue the application and without this information, granting the application would threaten to prove detrimental to the public interest.

Respectfully submitted,

 P.E.
TRACY TAYLOR, P.E.
State Engineer

TT/BM/jm

Dated this 5th day of
September, 2007.