

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATION 46086)
FILED TO APPROPRIATE THE PUBLIC)
WATERS OF AN UNDERGROUND SOURCE IN)
LOWER MEADOW VALLEY WASH, CLARK)
COUNTY, NEVADA.)

RULING 2167

GENERAL

Application 46086 was filed on August 23, 1982, by Blue Cactus Mining Company, Inc., to appropriate 1.8 c.f.s. of water from an underground source for mining and domestic purposes within Section 26, E½ Section 27, Section 33, N½ Section 34 and Section 35, T.13S., R.66E., M.D.B.&M. The point of diversion is described as being within the SW¼ NE¼ Section 33, T.13S., R.66E., M.D.B.&M.¹

FINDINGS OF FACT

I.

On November 22, 1983, a letter was sent to Richard J. Baughman, agent for Application 46086, requesting additional information concerning the annual consumptive use anticipated by the project. No response to that letter has been received by the State Engineer's office.¹

II.

On March 27, 1984, a letter was sent to Blue Cactus Mining Company, Inc., applicant under Application 46086, requesting additional information concerning the annual consumptive use anticipated by the project. No response to that letter has been received the the State Engineer's office.¹

III.

On January 4, 1985, a certified letter was sent to the applicant with a certified copy to his designated agent again requesting the additional information. The letter advised that if no response was received within 30 days of the date of the letter, Application 46086 would be subject to denial.¹

Certified receipts from the post office have been received indicating the letter was delivered to both the applicant and the designated agent. To date no response to the letter has been received by the State Engineer's office.

¹ Public record in the office of the State Engineer.

CONCLUSIONS

I.

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

II.

The State Engineer may require additional information before approval or rejection of an application.³

III.

There has been no response to the request for additional information from the applicant or their agent for Application 46086.

RULING

Application 46086 is hereby denied on the grounds that the additional information requested from the applicant was not received by the State Engineer and to approve said application without the additional information requested would not be in the public interest.

Respectfully submitted,



PETER G. MORROS
State Engineer

PGM/GT/bl

Dated this 4th day of

April, 1985.

² NRS 533.025 and NRS 533.030.

³ NRS 533.375.