

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATIONS 36499)
AND 36500 FILED TO APPROPRIATE THE)
PUBLIC WATERS OF AN UNDERGROUND)
SOURCE IN PIUTE VALLEY, CLARK)
COUNTY, NEVADA.)

RULING

GENERAL

Application 36499 was filed on January 19, 1979, by Y.K.L. Ranch to appropriate 1.0 c.f.s. of water from an underground source for quasi-municipal purposes within the SE1/4 SE1/4 Section 21, T.28S., R.62E., M.D.B.&M. The point of diversion is described as being within the SE1/4 SE1/4 Section 21, T.28S., R.62E., M.D.B.&M.¹

Application 36500 was filed on January 19, 1979, by Y.K.L. Ranch to appropriate 1.0 c.f.s. of water from an underground source for quasi-municipal purposes within the NW1/4 SW1/4 Section 21, T.28S., R.62E., M.D.B.&M. The point of diversion is described as being within the NW1/4 SW1/4 Section 21, T.28S., R.62E., M.D.B.&M.¹

FINDINGS OF FACT

I.

On January 8, 1980, Applications 36499 and 36500 were assigned from Y.K.L. Ranch to Nevada Silver Refinery.¹

II.

On August 7, 1980, a letter was sent to Doug Paxton, Nevada Silver Refinery, Searchlight, Nevada, 89046, requesting information on the number and types of units to be served under Applications 36499 and 36500. This letter was returned stamped "Undeliverable as Addressed".¹

III.

A note in Application 36499 dated September 11, 1980, states that "Mr. Paxton called and said the major use under 36499-500 is for 'refinery; (i.e. industrial) and will either come in and discuss consumptive use figures or send us a letter shortly".¹

¹ Public record in the office of the State Engineer.

IV.

A letter dated September 29, 1980, signed by D. Brian McKay states in part:

"Pursuant to a telephone conversation this date with Mr. David Carlson of your office, I have discussed this matter further with my client and as a result am hereby requesting an additional ninety (90) days so that we may further analyze and compute our estimate of consumptive use of water as it pertains to the above-referenced applications.

It is our intention to respond by letter to you providing you the information you require prior to the expiration of ninety (90) days from the date of this letter."¹

V.

On January 15, 1981, a certified letter was sent to D. Brian McKay, 601 E. Bridger Avenue, Las Vegas, Nevada, 89101, requesting the same information on consumptive use and giving Nevada Silver Refinery a period of 60 days in which to respond or the applications would be subject to denial. A certified mail return receipt was received in this office on January 23, 1981.¹

VI.

A review of the records under Applications 36499 and 36500 reveals that there has been no response to this letter of inquiry within the time limit specified therein.¹

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 acting upon an application.³

III.

There has been no response to the request for additional information from the owner of record under Applications 36499 and 36500.

² NRS 533.025 and NRS 533.030(1).

³ NRS 533.375.

RULING

Applications 36499 and 36500 are hereby denied on the grounds that the additional information requested was not received by the State Engineer and to approve said applications without the additional information requested would not be in the public interest and welfare.

Respectfully submitted,


PETER G. MORROS
State Engineer

PGM/MT/bl

Dated this 15th day of
May, 1985.