

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

IN THE MATTER OF APPLICATION 45567)
FILED TO APPROPRIATE THE PUBLIC)
WATERS OF AN UNDERGROUND SOURCE)
WITHIN THE OASIS VALLEY GROUND)
WATER BASIN, NYE COUNTY, NEVADA)

RULING

3871

GENERAL

I.

Application 45567 was filed on April 21, 1982, by Spicer Mining Co., Inc. to appropriate 0.69 c.f.s. of water from an underground source for mining, milling and domestic purposes within the NE1/4 Section 32, T.10S., R.47E., M.D.B.&M. The point of diversion is described as being within the SE1/4 NE1/4 Section 32, T.10S., R.47E., M.D.B.&M.¹

FINDINGS OF FACT

I.

The applicant was notified by certified mail on December 5, 1990, to submit additional information to the State Engineer's office regarding consumptive use, specifically requesting data concerning water conservation measures and amount of water to be recycled. The return receipt was received from the applicant on December 14, 1990.² To date the information requested has not been received from the applicant.³

II.

The applicant was again notified by certified mail on August 7, 1991, to submit the additional information requested by the State Engineer's office. The return receipt was received from the applicant on August 13, 1991.⁴ The letter assigned a 30 day time limit to file the required information. To date the information requested has not been received from the applicant.³

1 Public record in the office of the State Engineer.

2 See Certified Mail, return Receipt No. P 560 207 532.

3 A check of the record of the State Engineer indicates that no information has been received.

4 See Certified Mail, return Receipt No. P 668 481 257.

CONCLUSIONS

I.

The State Engineer has jurisdiction of the parties and the subject matter of this action and determination.⁵

II.

Before either approving or rejecting an application, the State Engineer may require such additional information as will enable him to guard the public interest properly.⁶

III.

The State Engineer is prohibited by law from granting a permit under an application to appropriate the public waters where:⁷

- A. There is no unappropriated water at the proposed source, or
- B. The proposed use conflicts with existing rights, or
- C. The proposed use threatens to prove detrimental to the public interest.

IV.

The applicant has failed to submit the information requested by the State Engineer's office. Therefore, sufficient information is not available to the State Engineer to guard the public interest properly.

⁵ NRS Chapters 533 and 534.

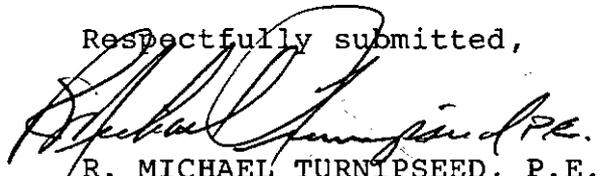
⁶ NRS 533.375.

⁷ NRS 533.370(3).

RULING

Application 45567 is hereby denied on the grounds that the applicant has not submitted the information requested by the State Engineer's office and, therefore, the granting of said application without the additional information requested would not be in the public interest.

Respectfully submitted,



R. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/DJL/pm

Dated this 3rd day of

March, 1992