

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

IN THE MATTER OF 55857 FILED TO)
APPROPRIATE THE PUBLIC WATERS)
FROM AN UNDERGROUND SOURCE WITHIN)
QUEEN VALLEY GROUND WATER BASIN)
(116), MINERAL COUNTY, NEVADA)

AMENDED RULING

4248

GENERAL

I.

Application 55857 was filed by Silver Bear Development, Inc. to appropriate 0.5 cubic feet per second (cfs) of water from the underground waters of the Queen Valley Ground Water Basin, Mineral County, Nevada, for quasi-municipal purposes within Lot 2, Lot 3 and NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 32, and SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 29, T.1N., R.32E., M.D.B.& M. The point of diversion is described as being within Lot 2, Section 32, T.1N., R. 32E., M.D.B.&M.¹

II.

By Ruling dated October 5, 1995, the State Engineer denied Application 55857 on the basis that the applicant failed to submit information requested by the Office of the State Engineer within the time frame set forth in the State Engineer's request for additional information.²

¹ File No. 55857, official records of the Office of the State Engineer.

² State Engineer's Ruling No. 4217, dated October 5, 1995, official records in the Office of the State Engineer.

FINDINGS OF FACT

I.

By letter dated October 12, 1995, Lowell D. Emery, Professional Land Surveyor, informed the Office of the State Engineer a response to the request for information had been provided within the time frame established.¹ Mr. Emery provided the State Engineer with a copy of a letter which supplied the additional information requested and a copy of the certified mail receipt signed for in the State of Nevada Mail Room within the time frame set forth in the request for information. The State Engineer finds that while no copy of the information appears in the records of the Office of the State Engineer¹, based on the evidence of receipt of the information in the State of Nevada Mail Room, Silver Bear Development, Inc. timely filed a response to the State Engineer's request for additional information.

II.

The State Engineer finds that based on the information submitted, but not found in the application file in the Office of the State Engineer, Application 55857 should be reinstated to active status for review of the information submitted and further action with regard to the application.

CONCLUSIONS OF LAW

I.

The State Engineer concludes Silver Bear Development, Inc. did timely comply with filing a response to the Office of the State Engineer's request for more information regarding Application

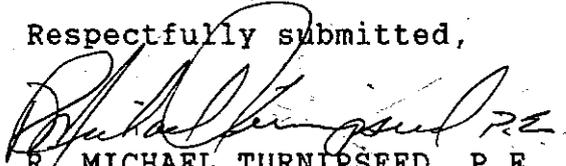
Ruling
Page 3

55857. No conclusion is made by this ruling as to the adequacy of the information provided.

RULING

Application 55857 is hereby reinstated to active status and will be further reviewed by the Office of the State Engineer with regard to whether a permit will be issued on the application.

Respectfully submitted,



R. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/SJT/ab

Dated this 29th day of
November, 1995.