

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

IN THE MATTER OF APPLICATION 54144 )  
FILED TO APPROPRIATE THE PUBLIC )  
WATERS OF AN UNDERGROUND SOURCE )  
WITHIN THE DELAMAR VALLEY )  
HYDROGRAPHIC BASIN (182), LINCOLN )  
COUNTY, NEVADA. )

RULING

# 5101

GENERAL

I.

Application 54144 was filed on November 6, 1989, by Delamar Minerals Company to appropriate 0.2 cubic feet per second (cfs) of water from an underground source. The proposed manner of use and place of use is for mining purposes within Section 1, T.6S., R.64E., M.D.B.&M. The proposed point of diversion is described as being within the SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 12, T.6S., R.63E., M.D.B.&M.<sup>1</sup>

II.

By letter dated October 10, 1990, the applicant advised the Office of the State Engineer that Delamar Minerals Company, was a joint venture of Alma American Mining Corp. and Fischer-Watt Gold.<sup>1</sup>

FINDINGS OF FACT

I.

Application 54144 was filed to appropriate 0.2 cfs of water to support the applicant's precious metals mining operation. Many of the applications which request new appropriations of water for mining and milling purposes lack sufficient information relating to the operation anticipated annual consumptive use of water. Under the provisions found within Nevada Revised Statute 533.375,

---

<sup>1</sup> File No. 54144, official records in the Office of the State Engineer.

the State Engineer may request additional information from the applicant to supplement the information submitted on the application. After reviewing the information contained within Application 54144, the State Engineer finds that additional information is required to gain a more complete understanding of amount of water that will be consumed during the life of the project.

**II.**

By certified letter dated, November 22, 2000, the Office of the State Engineer requested the applicant and its associated joint venture partners to provide a more precise accounting of the project and the amount of water that would be used during the mining and milling operations. The parties were allowed sixty days from the date of the letter to submit the requested information with the condition that a failure to timely do so would result in the application being considered for denial. A properly endorsed receipt for the certified mailing was received from Fischer-Watt, with the remaining notices returned as not deliverable as addressed or attempted not known by the U.S. Postal Service to the Office of the State Engineer.<sup>1</sup> The State Engineer finds that to this date, no response has been received from either Delamar Minerals Company or its joint venture partners.

**III.**

On December 12, 2000, Mr. George Beatty representing Fischer-Watt Gold Company informed the Office of the State Engineer that his company was no longer associated with or interested in Application 54144.<sup>1</sup>

**CONCLUSIONS**

**I.**

The State Engineer has jurisdiction over the parties and the subject matter of this action and determination.<sup>2</sup>

**II.**

The State Engineer is prohibited by law from granting an application to appropriate the public waters where:<sup>3</sup>

- 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.

**III.**

The applicant has been requested to provide the State Engineer with additional information relating to Application 54144. This request was made with the understanding that a failure to respond in a timely manner would represent a lack of interest on the applicant's part in pursuing the subject application. To this date, no response regarding this matter has been received in the Office of the State Engineer. The State Engineer concludes that the approval of an application that the applicant has no interest in pursuing would threaten to prove detrimental to the public interest.

---

<sup>2</sup> NRS chapters 533 and 534

<sup>3</sup> NRS § 533.370(3).

RULING

Application 54144 is hereby denied on the grounds that the approval of this application, which the applicant has no interest in pursuing, would threaten to prove detrimental to the public interest.

Respectfully submitted,



HUGH RICCI, P.E.  
State Engineer

HR/MB/jm

Dated this 20th day of  
February, 2002.