

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATION 47221)
FILED TO APPROPRIATE THE PUBLIC)
WATERS OF AN UNDERGROUND SOURCE IN)
SILVER STATE VALLEY, HUMBOLDT)
COUNTY, NEVADA.)

RULING

GENERAL

Application 47221 was filed on August 31, 1983, by Simplot Minerals, Inc., to appropriate 5.0 c.f.s. of water from an underground source for mining purposes within the SW1/4 Section 20, T.40N., R.36E., M.D.B.&M. The point of diversion is described as being within the NW1/4 SE1/4 Section 15, T.40N., R.36E., M.D.B.&M.¹

FINDINGS OF FACT

I.

On June 22, 1984, a letter was sent to the applicant asking for justification data pursuant to NRS 533.375. No response to that letter has been received by the State Engineer's office.¹

II.

On August 22, 1984, a certified letter was sent by the State Engineer's office to Simplot Minerals, Inc., P.O. Box 27, Boise, Idaho, 83707, requesting additional information concerning Application 47221. Certified Mail Receipt No. P616 537 825 was returned to this office signed by the addressee.¹

III.

The applicant requested a postponement of further action for one year in a letter dated August 27, 1984. Postponement of further action for a period of one year was granted beginning September 5, 1984, by certified letter dated September 5, 1984.¹

IV.

Upon expiration of the granted one year postponement of further action, a certified letter was sent to the applicant on September 10, 1985, restating the requirement for additional data before the application could be considered for approval. Certified Mail Receipt No. P010 769 951 was returned to this office signed by the addressee. No response within the time period allowed in the letter was 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 and determination.²

II.

The State Engineer may require additional information before approval or rejection of an application pursuant to NRS 533.375.

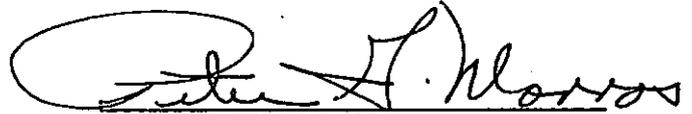
III.

There has been no response to the request for additional information from the applicant under Application 47221.

RULING

Application 47221 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/JO/bl

Dated this 17th day of
December, 1985.

² NRS 533.325.