

**IN THE OFFICE OF THE STATE ENGINEER**

IN THE MATTER OF APPLICATION 49180)  
FILED TO APPROPRIATE THE PUBLIC)  
WATERS OF AN UNNAMED SPRING IN THE)  
IMLAY AREA, PERSHING COUNTY, NEVADA.)

**RULING**

**GENERAL**

Application 49180 was filed on July 11, 1985, by Eldon Worth and Don Brenmer to appropriate 0.5 c.f.s. of water from an unnamed spring for mining, milling and domestic purposes within the NW1/4, N1/2 SW1/4 Section 3, T.34N., R.34E., M.D.B.&M. The point of diversion is described as being within the SE1/4 NW1/4 Section 3, T.34N., R.34E., M.D.B.&M.<sup>1</sup>

On April 24, 1987, a certified letter was sent to Messrs. Eldon Worth and Don Brenmer in Battle Mountain, Nevada, requesting additional information concerning Application 49180. The Certified Mail Receipt No. P491 804 017 was signed by Naomi Worth and was returned to the Office of the State Engineer.<sup>1</sup>

**FINDINGS OF FACT**

I.

On April 24, 1987, a certified letter was sent to the owner of Application 49180 requesting additional information concerning projected consumptive use of water for the mining and milling operation. The letter requested that this information be sent to the State Engineer within 30 days of the date of the letter. As of June 11, 1987, no response to the letter had been received.<sup>1</sup>

II.

The State Engineer may require additional information before approval or rejection of an application.<sup>2</sup>

**CONCLUSIONS**

I.

The State Engineer has jurisdiction of the parties and the subject matter of this action.<sup>3</sup>

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<sup>1</sup> Public record in the office of the State Engineer.

<sup>2</sup> NRS 533.375.

<sup>3</sup> NRS 533.325.

II.

The State Engineer did not receive any response to a request for additional information concerning the projected consumptive use of water for the mining and milling operation under Application 49180.

RULING

Application 49180 is hereby denied on the grounds that additional information requested from the applicant was not received by the State Engineer and to approve the application without the additional information requested would not be in the public interest.

Respectfully submitted,



PETER G. MORROS  
State Engineer

PGM/GC/bl

Dated this 18th day of  
June, 1987.