

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

IN THE MATTER OF APPLICATION 15681)
FILED TO APPROPRIATE THE PUBLIC)
WATERS OF AN UNNAMED SPRING WITHIN)
LIDA VALLEY GROUNDWATER BASIN (144),)
ESMERALDA COUNTY, NEVADA.)

RULING

4220

GENERAL

I.

Application 15681 was filed on June 2, 1954, but returned to the applicant for correction. Amended Application 15681 was filed on November 19, 1956, by Ohio Mines Corp. to appropriate 0.1 cfs of water from an unnamed spring for milling and domestic purposes within an "unsurveyed hiatus of T.7S. (would be R.42½E.)"¹ The point of diversion is described as being within the NW¼ SE¼ Section 36, T.5S., R.40E., M.D.B.&M.¹

II.

A protest to the granting of the application was filed on January 7, 1957, by M.D. MacBoyle, M.D. & W.E. MacBoyle, and Sam Hain.¹

III.

A protest to the granting of the application was filed on February 1, 1957, by Claire Borgerson.

FINDINGS OF FACT

I.

The State Engineer finds that no activity took place in regard to this application from 1957 to 1995.¹

II.

The State Engineer finds that on February 3, 1995, the applicant and its agent were notified by certified mail to submit additional justification data and information concerning the annual consumptive use of the water for mining and milling purposes under

¹ File No. 15681, official records of the Office of the State Engineer.

the application and the certified letters were returned by the United States Postal Service labelled "Return to Sender - Unknown" and "Return to Sender - Not at this Address - Unknown," respectively.¹

III.

The State Engineer finds it is the responsibility of the applicant or its successor in interest to keep this office informed of its current mailing address.

IV.

The State Engineer finds that to date the information requested has not been received from the applicant or its agent.¹

CONCLUSIONS

I.

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

II.

Before either approving or rejecting an application, the State Engineer may require such additional information from the current owner of record as will enable him to properly guard the public interest.³

III.

The State Engineer is prohibited by law from granting a permit under an application to appropriate the public waters where:⁴

- 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.

² NRS Chapters 533 and 534.

³ NRS 533.375.

⁴ NRS Chapter 533.370(3).

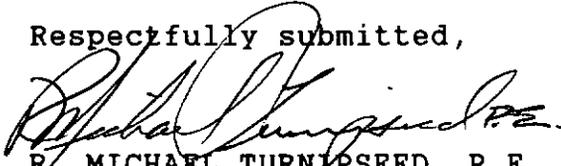
IV.

The applicant has failed to submit the information requested to the State Engineer's Office. The State Engineer concludes that without the additional data sufficient information is not available for the State Engineer to properly guard the public interest.

RULING

Application 15681 is hereby denied on the grounds that the applicant has not submitted the data and information requested by the State Engineer's Office, and that without this information granting of the application would be detrimental to the public interest. As the application is denied, no finding is made in regard to the protests.

Respectfully submitted,



R. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/SJT/DJL/pm

Dated this 11th day of
October, 1995.