

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

IN THE MATTER OF APPLICATION 51912)
FILED TO APPROPRIATE THE PUBLIC WATERS)
FROM AN UNDERGROUND SOURCE WITHIN THE)
COYOTE SPRINGS VALLEY GROUNDWATER)
BASIN (210), CLARK COUNTY, NEVADA.)

RULING
4482

GENERAL

I.

Application 51912 was filed on March 10, 1988, by Black Canyon Mining Co. to appropriate 15.46 cubic feet per second (cfs) of water from an underground source for ore processing within the NE $\frac{1}{4}$ of Section 25, T.13S., R.63E., M.D.B.&M.¹ The point of diversion is described as being located within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 25, T.13S., R.63E., M.D.B.&M.¹

FINDINGS OF FACT

I.

The applicant and agent were notified by certified mail dated September 26, 1996, to submit additional information to the State Engineer's Office. The State Engineer requested written notification if the applicant wished to pursue the permitting process for Application 51912, and additionally to notify the office of a current address and telephone number of the applicant's agent. A 30-day time limit was assigned for the submission of a response or the application would be subject to denial. The return mail receipts were returned by the United States Postal Service labelled "Attempted Not Known", and "Unclaimed - Return to Sender", respectively. The State Engineer finds that the applicant was properly notified and that to date no information was received in response to the request for information. The State Engineer further finds that the September 26, 1996, letter requesting the additional information established that failure to comply within 30 days would result in the denial of the application.¹

¹File No. 51912, official records in the Office of the State Engineer.

CONCLUSIONS

I.

The State Engineer has jurisdiction over the parties and of 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 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.

IV.

The applicant failed to submit the information requested to the State Engineer's Office, and failed to indicate any interest in pursuing the permitting process for Application 51912. The State Engineer concludes that without the information requested, sufficient information is not available for the State Engineer to properly guard the public interest.

²NRS Chapters 533 and 534.

³NRS 533.375.

⁴NRS 533.370(3).

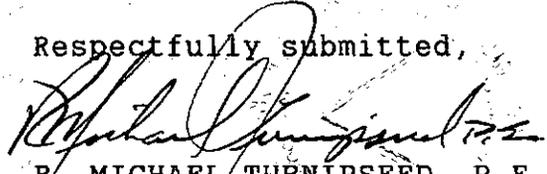
v.

It is the responsibility of any subsequent purchaser of the property or interest in this application to file a report of conveyance with the State Engineer.⁵ The State Engineer concludes that the applicant was properly noticed based on the addresses currently on file in the Office of the State Engineer.

RULING

Application 51912 is hereby denied on the grounds that the applicant failed to submit the information requested by the State Engineer's Office and that without this information the granting of the application would be detrimental to the public interest.

Respectfully submitted,



R. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/DJL/ab

Dated this 30th day of
December, 1996.

⁵NRS 533.384.