

IN THE MATTER OF APPLICATIONS)
34935 AND 34936 FILED TO)
APPROPRIATE UNDERGROUND WATER)
IN BLACK ROCK DESERT, PERSHING)
COUNTY, NEVADA.)

R U L I N G

26

INTRODUCTION

I

Applications 34935 and 34936 were filed by Nevada National Mining Corporation, Inc. to appropriate water from underground sources as described under the findings of fact for mining, milling and domestic purposes within the Black Rock Desert (2-28) in Pershing County, Nevada.

FINDINGS OF FACT

I

Application 34935 was filed on February 1, 1978, by Nevada National Mining Corporation, Inc. to appropriate 4.0 c.f.s. of water from an underground source located within the NE1/4 SW1/4 Section 7, T.34N., R.29E., M.D.B.&M., for mining, milling and domestic purposes to be used within Sections 1, 12 and 13 of T.34N.; R.28E., M.D.B.&M. and Sections 6, 7 and 18 of T.34N., R.29E., M.D.B.&M. 1/

Notice of application was published in compliance with NRS 533.360. The deadline for the filing of protests to the granting of a permit, as provided under NRS 533.365, was October 6, 1978. 1/

Application 34936 was filed on February 1, 1978 in the name of Nevada National Mining Corporation, Inc., to appropriate 4.0 c.f.s. of water from an underground source located within the NW1/4 SE1/4 Section 12, T.34N., R.28E., M.D.B.&M., for mining, milling and domestic purposes to be used within Sections 1, 12 and 13 of T.34N., R.28E., M.D.B.&M. and Sections 6, 7 and 18 of T.34N., R.29E., M.D.B.&M. 1/

Notice of application was published in compliance with NRS 533.360. The deadline for the filing of protests to the granting of a permit as provided under NRS 533.365, was October 6, 1978. 1/

II

A protest to the granting of Application 34936 was timely filed with the State Engineer on October 3, 1978 by the U.S. Government, Bureau of Land Management, on the following grounds:

"...No easements for ditches or pipelines connecting the point of diversion with the points of use have been applied for by the applicant or granted by the U.S. Government, and no claim for mill site or mining

claim has been filed for the point of diversion. Therefore, the applicant cannot make beneficial use of the water without being in violation of 43 CFR 2801. 1-4 (Unauthorized Occupancy)." 1/

III

A letter dated February 19, 1981 was sent to the applicant requesting permit fees for Application 34935. The letter was returned "not deliverable as addressed unable to forward return to sender". 1/

IV

A follow up letter dated July 16, 1981 was sent to Ernest E. Muller, Sr. as agent for the applicant by certified mail again requesting permit fees. A copy of the letter was also sent to the last known address of the applicant by certified mail. 1/

V

A certified statement from the Secretary of State dated July 30, 1981 states that the charter of Nevada National Mining Corporation was revoked on March 3, 1980, and as of July 30, 1981, the charter had not been reinstated. 1/

CONCLUSIONS

I

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

II

Notice has been sent to the applicant by certified mail requesting permit fees for Application 34935.

III

Nevada National Mining Corporation is no longer authorized to do business in Nevada.

RULING

Application 34935 is herewith denied on the grounds that:

1. The applicant has failed to submit the required statutory permit fees.
2. Granting a permit under this application to a corporation that is not authorized to do business in the State of Nevada would not be in the public interest.

Application 34936 is herewith denied on the grounds that granting a permit under this application to a corporation that is not authorized to do business in the State of Nevada would not be in the public interest. 3/

Respectfully submitted,



Peter G. Morros
State Engineer

PGM/KN/b1

Dated this 31st day of
August, 1981.

FOOTNOTES

1. Public Records within the Office of the State Engineer.
2. NRS 533.025 and NRS 533.030, subsection 1.
3. NRS 533.325.