

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATION 48039)
FILED TO APPROPRIATE THE PUBLIC)
WATERS OF AN UNDERGROUND SOURCE)
WITHIN THE BLACK ROCK DESERT GROUND)
WATER BASIN, PERSHING COUNTY,))
NEVADA.

RULING

GENERAL

Application 48039 was filed on May 14, 1984, by Constellation Exploration Corporation to appropriate 2.0 c.f.s. of water from an underground source for mining, milling and domestic purposes within the N1/2 NW1/4 SW1/4 and N1/2 NE1/4 SW1/4 Section 8, T.34N., R.30E., M.D.B.&M. The point of diversion is described as being within the NW1/4 SW1/4 Section 8, T.34N., R.30E., M.D.B.&M. The application proposes to utilize the water for a 2000 gallons per minute milling plant and a 1000 gallons per minute gravel washing plant.¹

FINDINGS OF FACT

I.

The applicant was notified by certified mail on December 28, 1984, to submit additional information to the State Engineer's office regarding consumptive use, specifically requesting data concerning water conservation measures and amount of water to be recycled. The return receipt was received from the addressee on January 2, 1985. To date no response has been received from the applicant by the office of the State Engineer.¹

II.

The applicant was again notified by certified mail on February 21, 1985, to submit the additional information requested by the State Engineer's office. The return receipt was signed by the addressee on February 22, 1985. To date no response has been received from the applicant by the office of the State Engineer.¹

CONCLUSIONS

I.

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

¹ Public record in the office of the State Engineer.

² NRS Chapters 533 and 534.

II.

Before either approving or rejecting an application, the State Engineer may require such additional information as will enable him to guard the public interest properly.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 appropriated 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 welfare.

IV.

The applicant has failed, to date, to submit the information requested by the State Engineer's office, and therefore sufficient information is not available to the State Engineer to guard the public interest properly.

RULING

Application 48039 is herewith denied on the grounds that the applicant has not submitted the information requested by the State Engineer's office and therefore the granting of said application without the requested information would not be in the public interest.

Respectfully submitted,



PETER G. MORROS
State Engineer

PGM/SHF/bl

Dated this 4th day of
April, 1985.

³ NRS 533.375.

⁴ NRS 533.370(3).