

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATION 42976)
FILED TO APPROPRIATE WATER FROM)
WILLIAMS SPRING IN DIAMOND VALLEY)
EUREKA COUNTY, NEVADA.)

RULING

GENERAL

I.

Application 42976¹ was filed on December 18, 1980 by Richard Gerish and Lee Britton to appropriate 0.50 c.f.s. of water from Williams Spring for mining, milling and domestic purposes within a portion of the NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, and the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 17, T.26N., R.53E., M.D.B.&M. The point of diversion is described as being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 17, T.26N., R.53E., M.D.B.&M.¹

FINDINGS OF FACT

I.

A certified letter² was sent to the applicant of Application 42976 on October 29, 1985, by this office requesting information concerning the projected annual consumptive use of water for a proposed mining operation. The return receipt for the letter was signed by Richard Gerish on October 31, 1985. No response to the letter has been received to date.

II.

Before either approving or rejecting an application, the State Engineer may require such additional information as would enable him to guard the public interest properly.³

¹ Public record in the Office of the State Engineer under Application 42976.

² A copy of the certified letter and return receipt is a public record in the office of the State Engineer under Application 42976.

³ NRS 533.375

CONCLUSIONS

I.

The State Engineer has jurisdiction of the parties and the subject matter of this action.⁴

II.

The State Engineer is prohibited by law from granting a permit where:

- a) There is no unappropriated water in 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.⁵

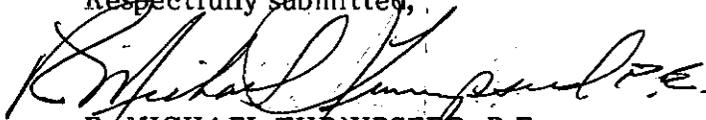
III.

Applicant failed to provide necessary additional information concerning the projected annual consumptive use of water for a proposed mining operation under Application 42976.

RULING

Application 42976 is hereby denied on the grounds that the applicant failed to provide necessary additional information and approval of said application would be detrimental to the public interest.

Respectfully submitted,



R. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/GC/bk

Dated this 13th day of
April, 1990.

⁴ NRS 533.325

⁵ NRS 533.370 (3).