

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

IN THE MATTER OF APPLICATIONS 47389,))
47390 AND 47391 FILED TO APPROPRIATE))
THE PUBLIC WATERS OF AN UNDERGROUND))
SOURCE WITHIN THE SARCOBATUS FLAT))
GROUND WATER BASIN, NYE COUNTY,))
NEVADA.))

RULING

3891

GENERAL

I.

Application 47389 was filed on November 7, 1983, by Spicer Mining Company to appropriate 3.25 acre-feet of water from an underground source for mining, milling and domestic purposes within portions of the NE1/4 NW1/4, NW1/4 NE1/4, SW1/4 NE1/4 Section 20, T.9S., R.46E., M.D.B.&M. The point of diversion is described as being within the NW1/4 NE1/4 Section 20, T.9S., R.46E., M.D.B.&M.¹

Application 47390 was filed on November 7, 1983, by Spicer Mining Company to appropriate 3.25 acre-feet of water from an underground source for mining, milling and domestic purposes within portions of the SE1/4 SW1/4 Section 21, NE1/4 NE1/4 Section 29 and NW1/4 NW1/4 Section 28, T.9S., R.46E., M.D.B.&M. The point of diversion is described as being within the NW1/4 NW1/4 Section 28, T.9S., R.46E., M.D.B.&M.¹

Application 47391 was filed on November 7, 1983, by Spicer Mining Company to appropriate 3.25 acre-feet of water from an underground source for mining, milling and domestic purposes within portions of the SW1/4 NE1/4 and SE1/4 NE1/4 Section 35, T.9S., R.46E., M.D.B.&M. The point of diversion is described as being within the SW1/4 NE1/4 Section 35, T.9S., R.46E., M.D.B.&M.¹

¹ Public record in the office of the State Engineer.

FINDINGS OF FACT

I.

The applicant was notified by certified mail on August 7, 1991, 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 August 13, 1991.² To date the information requested has not been received from the applicant.³

II.

The applicant and agent were again notified by certified mail on February 14, 1992, to submit the additional information requested by the State Engineer's office. The return receipt was received from both addressees on February 24, 1992.⁴ The letter assigned a 30 day time limit to file the required information. To date the information requested has not been received from the applicant or agent.³

CONCLUSIONS

I.

The State Engineer has jurisdiction of the parties and the subject matter of this action and determination.⁵

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.⁶

² See Certified Mail, return receipt no. P 668 481 257.

³ A check of the record of the State Engineer indicates that no information has been received.

⁴ See Certified Mail, return receipt No. P 680 456 669 and P 680 456 670.

⁵ NRS Chapters 533 and 534.

⁶ NRS 533.375.

III.

The State Engineer is prohibited by law from granting a permit under an application to appropriate the public waters where:⁷

- 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.

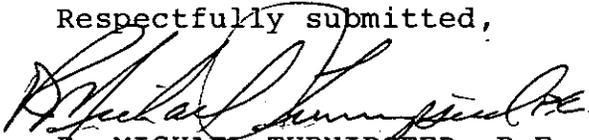
IV.

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

RULING

Applications 47389, 47390 and 47391 are hereby 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 applications without the additional information requested would not be in the public interest.

Respectfully submitted,


R. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/DJL/pm

Dated this 9th day of
June, 1992

⁷ NRS 533.370(3).