

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

IN THE MATTER OF APPLICATIONS 51081)
FILED TO APPROPRIATE THE PUBLIC)
WATERS OF AN UNDERGROUND SOURCE)
WITHIN THE DESERT VALLEY GROUNDWATER)
BASIN (31), PERSHING COUNTY, NEVADA.)

RULING

4223

GENERAL

I.

Application 51081 was filed on June 29, 1987, by Colchis Minerals Corporation to appropriate 1.5 cfs of water from an underground source for mining purposes within Sections 16 and 21, T.34N., R.31E., M.D.B.&M. The point of diversion is described as being within Lot 5, Section 6, T.34N., R.32E., M.D.B.&M.¹

II.

Application 51081 was protested by U.S.D.I., Bureau of Land Management, Winnemucca District on November 12, 1987.

FINDINGS OF FACT

I.

The State Engineer finds that on December 10, 1987, the applicant and its agent were notified by mail that no further action could be taken with regard to the application until the applicant was authorized by the Nevada Secretary of State to do business in the State of Nevada. The applicant was further notified that failure to file the information within 60 days from the date of the letter would result in denial of the application.¹

II.

The State Engineer finds that to date the requested information has not been received from the applicant or its agent.¹

III.

The State Engineer finds that on January 3, 1994, the records of the Nevada Secretary of State indicated that Colchis Minerals Corporation was not licensed to do business in the State of Nevada.¹

¹ File No. 51081, official records in the Office of the State Engineer.

IV.

The State Engineer finds that Colchis Minerals Corporation would be unable to put water to beneficial use for mining purposes as they are not licensed to do business in the State of Nevada.

CONCLUSIONS

I.

The State Engineer has jurisdiction over the parties and 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 current owner of record as will enable him to properly guard the public interest.³

III.

Colchis Minerals Corporation is not licensed to do business in the State of Nevada and cannot put the water to beneficial use as requested by Application 51081.

IV.

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.

V.

The applicant has failed to submit the information requested to the State Engineer's Office. The State Engineer concludes that without the additional information he is unable to properly guard the public interest.

² NRS Chapters 533 and 534.

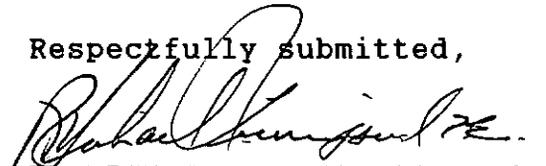
³ NRS 533.375.

⁴ NRS Chapter 533.370(3).

RULING

Application 51081 is hereby denied on the grounds that the applicant has not submitted the information requested by the State Engineer's Office and cannot put water to beneficial use. The granting of said application without the additional information requested and without ability to put the water to beneficial use would be detrimental to the public interest. As Application 51081 is denied, no finding is made with regard to the protest.

Respectfully submitted,



R. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/SJT/DJL/pm

Dated this 11th day of
October, 1995.