

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

IN THE MATTER OF APPLICATIONS 59786 )  
AND 60006 FILED TO APPROPRIATE THE )  
PUBLIC WATERS OF AN UNDERGROUND )  
SOURCE WITHIN THE ALKALI SPRING )  
VALLEY GROUNDWATER BASIN (142), )  
ESMERALDA COUNTY, NEVADA. )

RULING

# 4240

GENERAL

I.

Application 59786 was filed on February 25, 1994, by International Bullion L.L.C. to appropriate 1.0 cfs of water from an underground source for mining, milling and domestic purposes for use within the NW $\frac{1}{4}$  SE $\frac{1}{4}$  Section 24, T.1N., R.42E., M.D.B.&M. The point of diversion is described as being within the SE $\frac{1}{4}$  NE $\frac{1}{4}$  Section 35, T.1N., R.42E., M.D.B.&M.<sup>1</sup>

Application 60006 was filed on April 20, 1994, by International Bullion to appropriate 1.0 cfs of water from an underground source for mining, milling and domestic purposes for use within the NW $\frac{1}{4}$  SE $\frac{1}{4}$  Section 24, T.1N., R.42E., M.D.B.&M.<sup>2</sup> The point of diversion is described as being within the SE $\frac{1}{4}$  SE $\frac{1}{4}$  Section 23, T.1N., R.42E., M.D.B.&M.<sup>2</sup>

FINDINGS OF FACT

I.

The applicant and the engineer under Applications 59786 and 60006 were notified by certified mail on August 18, 1994, to submit additional justification data and information concerning the annual consumptive use of water for mining and milling purposes under the applications.<sup>1,2</sup> The return receipts were received from the addressees.<sup>1</sup> The State Engineer finds that no data or information requested was received from the applicant or the engineer.<sup>1,2</sup>

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<sup>1</sup> File No. 59786, official records in the Office of the State Engineer.

<sup>2</sup> File No. 60006, official records in the Office of the State Engineer.

II.

The applicant and the engineer under Application 59786 were again notified by certified mail on November 30, 1994, to submit the additional justification data and information regarding consumptive use to the State Engineer's Office, with the letter also assigning a 30-day time limit for filing the required information or requesting a postponement of further action as provided by NRS 533.370(2); otherwise, the application would be considered for denial. The return receipts were received. The State Engineer finds to date the information requested regarding Application 59786 has not been received.<sup>1</sup>

III.

The applicant and the engineer for Application 60006 were again notified by certified mail on May 3, 1995, to submit the additional justification data and information requested by the State Engineer's Office.<sup>2</sup> Again the letter assigned a 30-day time limit to file the required information or request a postponement of further action as provided in NRS 533.370(2); otherwise the application would be considered for denial.<sup>2</sup> A return receipt was received from the engineer; however, the notice to the applicant was returned by the United States Postal Service labelled "Refused none of these are here".<sup>2</sup> The State Engineer finds that to date the information requested regarding Application 60006 has not been received.<sup>2</sup>

CONCLUSIONS

I.

The State Engineer has jurisdiction over the parties and the subject matter of this action and determination.<sup>3</sup>

II.

Before either approving or rejecting an application, the State Engineer may require such additional information as will enable him to properly guard the public interest.<sup>4</sup>

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<sup>3</sup> NRS Chapters 533 and 534.

<sup>4</sup> NRS 533.375.

III.

The State Engineer is prohibited by law from granting a permit under an application to appropriate the public waters where:<sup>5</sup>

- 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.

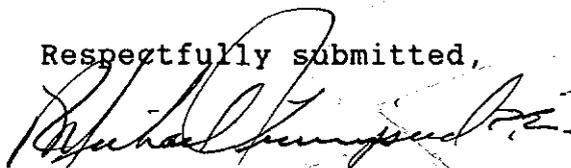
IV.

The applicant has failed to submit the information requested by the State Engineer's Office. The State Engineer concludes that sufficient information is not available to properly guard the public interest, and that without the additional information, granting the applications would be detrimental to the public interest.

RULING

Applications 59786 and 60006 are hereby denied on the grounds that the applicant has not submitted the information requested by the State Engineer's Office, and that without this information granting the applications would be detrimental to the public interest.

Respectfully submitted,



R. MICHAEL TURNIPSEED, P.E.  
State Engineer

RMT/DJL/ab

Dated this 24th day of  
October, 1995.

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<sup>5</sup> NRS 533.370(3).