

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

IN THE MATTER OF APPLICATIONS 59045,)
59046-T AND 59305 FILED TO CHANGE THE)
PUBLIC WATERS HERETOFORE APPROPRIATED)
UNDER PERMIT 24552, CERTIFICATE 7502)
AND PERMIT 53724 FROM UNDERGROUND)
SOURCES WITHIN THE LOWER REESE RIVER)
VALLEY GROUNDWATER BASIN (59),)
LANDER COUNTY, NEVADA.)

RULING

4410

GENERAL

I.

Applications 59045 and 59046-T were filed on July 23, 1993, by St. George Metals, Inc., to change the place of use of 0.737 cubic feet per second (cfs) of water heretofore appropriated under Permit 24552, Certificate 7502 from an underground source for mining and milling purposes. Application 59305 was filed on October 8, 1993, by Saint George Metals, Inc., to change the point of diversion and place of use of water heretofore appropriated under Permit 53724 from an underground source for mining and milling purposes. The place of use for these applications is within Sections 5, 6, 8, 9, 16, 17, 20, 21, 28, 29, 31, 32 and 33, T.30N., R.46E., Section 5, T.29N., R.46E., and Section 36, T.30N., R.45E., M.D.B.&M. Applications 59045 and 59305 became ready for the State Engineer's action on January 13, 1994.¹

FINDINGS OF FACT

I.

The State Engineer reviewed the permanent Application 59045 instead of the temporary Application 59046-T since they are duplicate filings and Application 59045 has become ready for the State Engineer's action.

¹File Nos. 59045, 59046-T and 59305, official records in the Office of the State Engineer.

The State Engineer finds that Applications 59045 and 59046-T are duplicate filings and temporary Application 59046-T is unnecessary.

II.

The applicant was notified by mail dated September 1, 1995, from the State Engineer's Office that Applications 59045 and 59305 were ready to be approved, and that, in accordance with NRS 533.435, the sum of \$1,992.00 must be remitted to the Division of Water Resources prior to the issuance of any permits. The letter assigned a 30 day time limit from September 1, 1995, to submit the required fee or the applications would be subject to denial.

The applicant was again notified by certified mail dated October 27, 1995, from the State Engineer's Office that Applications 59045 and 59305 were ready to be approved, and that, in accordance with NRS 533.435, the sum of \$1,992.00 must be remitted to the Division of Water Resources prior to the issuance of any permits. The letter assigned an additional 30 day time limit from October 27, 1995, to submit the required fee or be subject to denial.

Pursuant to a telephone conversation with agent, Ronald Short, on October 18, 1995, notifying the State Engineer's Office of additional addresses,² the applicant was again notified by certified mail dated November 2, 1995, from the State Engineer's Office that Applications 59045 and 59305 were ready to be approved, and that, in accordance with NRS 533.435, the sum of \$1,992.00 must be remitted to the Division of Water Resources prior to the issuance of any permits. The letter assigned an additional 30 day time limit from November 2, 1995, to submit the required fee or be subject to denial.

²File Nos. 59045, 59046-T and 59305, office memorandum of telephone conversation.

The State Engineer finds that the applicant was properly noticed that the fees were due, and that if not paid, the applications would be held for denial. The State Engineer further finds that the fees have not been received.

CONCLUSIONS

I.

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

II.

The State Engineer is required by NRS 533.435 to collect a fee for the issuance of a permit. The State Engineer concludes that the statutory fee was not submitted to the Division of Water Resources.

III.

The State Engineer concludes that the applicant has been properly noticed based on the addresses currently on file in the Office of the State Engineer.

IV.

The State Engineer concludes that any further action on Application 59046-T is unnecessary once duplicate Application 59045 was reviewed. Accordingly, Application 59046-T is also held for denial.

³NRS Chapters 533 and 534.

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Applications 59045 and 59305 are hereby denied on the grounds that the applicant failed to submit the statutory fees. Duplicate temporary Application 59046-T is also hereby denied on the grounds that appropriate action has already been taken on the matter by the review of Application 59045.

Respectfully submitted,


R MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/DJL/ab

Dated this 30th day of
August, 1996.