

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

IN THE MATTER OF APPLICATION 59286)
FILED TO APPROPRIATE THE PUBLIC WATERS)
OF AN UNDERGROUND SOURCE WITHIN THE)
ALKALI SPRING VALLEY GROUNDWATER BASIN)
(142), ESMEERALDA COUNTY, NEVADA.)

RULING

4438

GENERAL

I.

Application 59286 was filed on September 28, 1993, by Green Gold Mining Co. to appropriate 1.0 cubic foot per second (cfs) of water from an underground source for mining and milling purposes within the NW $\frac{1}{4}$ of Section 35, T.2S., R.42E., M.D.B.&M. The proposed point of diversion is described as being located within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 26, T.2S., R.42E., M.D.B.&M.¹

FINDINGS OF FACT

I.

On September 7, 1995, the State Engineer sent a certified letter to Green Gold Mining Co. and its agent requesting additional information relating to water use at the proposed mining and milling project. The letter informed the applicant that if a response was not received within 30 days the State Engineer would assume the applicant was no longer interested in pursuing the application, and it would be considered for denial. Endorsed return receipts for the certified letters were received in the State Engineer's Office on September 13 and 14, 1995.¹

¹File No. 59286, official records in the Office of the State Engineer.

The State Engineer finds that to date no information has been received from either the applicant or its agent in response to the request for information.

CONCLUSIONS

I.

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

III.

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.

IV.

The applicant has failed to submit the information requested to the State Engineer's Office. The State Engineer concludes that without the information requested sufficient information is not

²NRS Chapters 533 and 534.

³NRS 533.375.

⁴NRS 533.370(3).

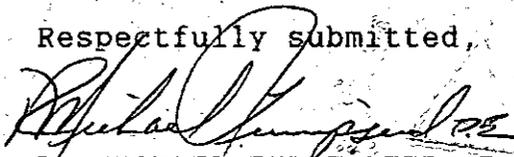
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available for the State Engineer to properly guard the public interest.

RULING

Application 59286 is hereby denied on the grounds that the applicant failed to submit the data and information requested by the State Engineer's Office and that without this information the granting of the application would be detrimental to the public interest.

Respectfully submitted,



E. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/MDB/ab

Dated this 24th day of
September, 1996.