

IN THE OFFICE OF STATE ENGINEER
OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION 65705)
FILED TO APPROPRIATE THE PUBLIC)
WATERS OF AN UNDERGROUND SOURCE)
WITHIN THE IVANPAH VALLEY -)
NORTHERN PART HYDROGRAPHIC BASIN)
(164-A), CLARK COUNTY, NEVADA.)

RULING

5021

GENERAL

I.

Application 65705 was filed on December 10, 1999, by Baron Mining Corporation to appropriate 0.292 cubic feet per second of underground water for mining, milling and domestic purposes within portions of Sections 22, 23, 24, 26, 27, 33, 34 and 35, T.25S., R.59E., M.D.B.&M. The proposed place of use is further defined by the applicant as being contained within the portions of those sections containing the Baron claims. The proposed point of diversion is described as being located within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 23.¹

FINDINGS OF FACT

I.

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.²

II.

Application 65705 was filed to provide underground water primarily for the applicant's mining and milling operation. Information contained within the remarks section of the application indicates that this project will require from 10.0 million to 67.9 million gallons of water per year. This estimate spans a range of 57.9 million gallons and is too general in nature

¹ File No. 65705, official records in the office of the State Engineer.

² NRS § 533.375.

to provide the State Engineer with a full and complete understanding of the project's annual consumptive use of water. The State Engineer finds that additional information relating to the amount of water consumed by the mining and milling operation must be obtained from the applicant.

III.

By certified mail dated October 25, 2000, the office of the State Engineer requested the applicant to submit additional justification data and information concerning the annual consumptive use of water under Application 65705. Properly endorsed receipts for the certified mailings were received on October 30 and 31, 2000, respectively. To this date, no response to this request for information has been submitted to the State Engineer's office.¹ The State Engineer finds that the applicant has failed to provide the office of the State Engineer with sufficient information relating to the consumptive use of water proposed under Application 65705.

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 prohibited by law from granting an application to appropriate the public waters where:⁴

- A. there is no unappropriated water at the proposed source;
- B. the proposed use conflicts with existing rights; or
- C. the proposed use threatens to prove detrimental to the public interest.

³ NRS chapters 533 and 534.

⁴ NRS § 533.370(3).

III.

The applicant was properly notified of the requirement for additional information concerning Application 65705 and has failed to submit the information to the State Engineer's office. The State Engineer concludes that without the information requested, sufficient information is not available for the State Engineer to properly guard the public interest.

RULING

Application 65705 is hereby denied on the grounds that the applicant has failed to submit the data and information requested by the State Engineer's office and without this information the granting of the application would threaten to prove detrimental to the public interest.

Respectfully submitted,



HUGH RICCI, P.E.
State Engineer

HR/MDB/dl

Dated this 11th day of
May, 2001.