

IN THE MATTER OF APPLICATION 40768)
TO APPROPRIATE WATER FROM AN UNDER-)
GROUND SOURCE IN RHODES SALT MARSH,)
MINERAL COUNTY, NEVADA.)

R U L I N G

FINDINGS OF FACT

I

Application 40768 was filed on February 27, 1980, by Candelaria Metals to appropriate 0.25 c.f.s. of water from an underground source to be located within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 27, T. 4 N., R. 34 E., M.D.B.&M., to be used for mining, milling and domestic purposes. Notice of publication of Application 40768 was mailed to the Mineral County Independent News in accordance with NRS 533.360.

II

No protests were filed against the granting of Application 40768. The applicant was notified on December 31, 1980, that the office was ready to take action on Application 40768, but that further information was requested before the State Engineer could act on the application. 1/

III

A letter dated March 25, 1981, from Candelaria Metals, Inc. stated that the applicant was interested in keeping Application 40768 current. The additional information requested was not submitted.

IV

On April 17, 1981, the office engineer forwarded a letter to the applicant stating that this office would delay action on Application 40768 until December 5, 1981.

V

A letter dated December 7, 1981, from Candelaria Metals, Inc. requested a further delay of 12 months before this office acted on Application 40768.

VI

On February 11, 1983, two letters were sent to Candelaria Metals, Inc., requesting an estimate of consumptive use and permit fees. The State Engineer's Office has received no response to these letters.

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VII

On March 22, 1983, a letter was sent certified mail to Paul Spor of Candelaria Metals, Inc. with carbon copies being sent to George Denson and Carl Gustafson. This letter again requested permit fees from the applicant.

VIII

On April 28, 1983, a certified letter was sent to Candelaria Metals, Inc. again requesting permit fees and estimated consumptive use of water. This letter was returned to this office stamped "unclaimed" on May 5, 1983.

IX

As of May 9, 1983, no response has been received from Candelaria Metals, Inc. regarding either the permit fees or estimated consumptive use.

CONCLUSIONS

I

The State Engineer has jurisdiction in this matter. 2/

II

The applicant has been properly notified of the requirement for the submission of the statutory permit fees and for the submission of additional information.

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Application 40768, is herewith denied on the grounds that the applicant has failed to submit the statutory permit fees required and additional information requested by the State Engineer.

Respectfully submitted,



Peter G. Morros
State Engineer

PGM/KN/br

Dated this 1st day of

June, 1983.

FOOTNOTES

1/ NRS 533.370.

2/ NRS 533.325 and 533.435.