

IN THE MATTER OF APPLICATION 39884)
FILED TO APPROPRIATE THE PUBLIC)
WATERS OF AN UNDERGROUND SOURCE IN)
TONOPAH FLAT, NYE COUNTY, NEVADA.)

RULING

INTRODUCTION

Application 39884 was filed on December 5, 1979, by Maude H. Goehring to appropriate 3.0 c.f.s. of underground water within the NE1/4 NW1/4 of Section 19, T.8N., R.44E., M.D.B.&M., for mining and domestic purposes within the NE1/4 NW1/4 of Section 19, T.8N., R.44E., M.D.B.&M.

A timely protest to the granting of this application was filed on June 19, 1980, by James B. Pauley. The grounds of this protest are as follows:

"Point of Diversion noted is same as for #25616 (Goehring well). The total demand on the little Gray and Mayflower Thrust Faults (as noted on Kennedy Map of 1917) would be in excess of 7 sec.-ft. along one mile on these faults if this application was approved. Mr. Pauley has previously submitted data which indicate the flow characteristics of these faults and the jeopardy which an additional 3.0 sec ft. (#39884) would place on his Application #30805."

FINDINGS OF FACT

I.

The subject application was processed, published and became ready for action on June 28, 1980.¹

II.

On June 22, 1981, a certified letter was written to the agent for the applicant requesting a report prepared by a professional engineer or ground water hydrologist on the well and aquifer capabilities at the point of diversion.¹

III.

On September 3, 1982, another letter was written to the applicant requesting a report prepared by a professional engineer or ground water hydrologist on the well and aquifer capabilities at the point of diversion. This letter requested a response as to the applicant's interest in pursuing the application.¹

¹ Public records in the office of the State Engineer.

IV.

On September 14, 1982, this office received a letter from Bruce Luckman of Gold Seeker Resources Ltd. In this letter, Mr. Bruce Luckman confirmed his interest in the application and said it was Gold Seeker Resources' intention to comply with the request for engineering reports.¹

V.

The applicant has made no response to the request for additional information over a period of one year since the latest correspondence.¹

CONCLUSIONS

I.

The State Engineer has jurisdiction in this matter under the provisions of NRS 533.325 and NRS 533.375.

II.

The applicant has been properly notified of the requirement for additional information and has failed to comply with the said requirements.

III.

The State Engineer may require additional information before approval or rejection of an application.²

RULING

Application 39884 is hereby denied on the grounds that additional information requested from the applicant was not received by the State Engineer.

Respectfully submitted



Peter G. Morros
State Engineer

PGM/GB/bl

Dated this 2nd day of

APRIL, 1984.

² NRS 533.375.