

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATIONS 47060)
AND 47165 FILED TO APPROPRIATE THE)
PUBLIC WATERS OF AN UNDERGROUND)
SOURCE AND SAM LAXTON SPRING IN)
ORIENTAL WASH, ESMERALDA COUNTY,)
NEVADA.)

RULING

GENERAL

Application 47060 was filed on July 8, 1983, by Matt E. Laxton and Terry J. Laxton to appropriate 1.0 c.f.s. of water from an underground source for mining, milling and domestic purposes within the S1/2 Sections 31 and 32, T.6S., R.40E., M.D.B.&M. The point of diversion is described as being within the NE1/4 SW1/4 Section 31, T.6S., R.40E., M.D.B.&M.¹

Application 47165 was filed on August 17, 1983, by Matt E. Laxton and Terry J. Laxton to appropriate 1.0 c.f.s. of water from Sam Laxton Spring for mining, milling and domestic purposes within the S1/2 Sections 31 and 32, T.6S., R.40E., M.D.B.&M. The point of diversion is described as being within the NE1/4 SE1/4 Section 31, T.6S., R.40E., M.D.B.&M.¹

FINDINGS OF FACT

I.

On July 10, 1984, a letter was forwarded by first class mail to Matt E. Laxton and Terry J. Laxton, P.O. Box 42, Tonopah, Nevada, 89049.¹

On August 14, 1984, a certified letter was forwarded to Matt E. Laxton and Terry J. Laxton, P.O. Box 42, Tonopah, Nevada, 89049.¹

Both letters requested additional information concerning Applications 47060 and 47165. The certified letter was returned after being stamped "Addressee Unknown".

II.

A review of the record under Applications 47060 and 47165 revealed that there has been no response to the described letters requesting additional information.

¹ Public record in the office of the State Engineer.

CONCLUSIONS

I.

The State Engineer has jurisdiction of the parties and the subject matter of this action.²

II.

The State Engineer may require additional information before approval or rejection of an application.³

III.

There has been no response to the request for additional information from the applicants for Applications 47060 and 47165.

RULING

Applications 47060 and 47165 are hereby denied on the grounds that the additional information requested from the applicants was not received by the State Engineer and to approve said applications without the additional information requested would not be in the public interest.

Respectfully submitted



Peter G. Morros
State Engineer

PGM/GT/bl

Dated this 23rd day of
January, 1985.

² NRS 535.325.

³ NRS 533.375.