

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATION 48331)
FILED TO APPROPRIATE THE PUBLIC)
WATERS OF AN UNDERGROUND SOURCE)
WITHIN THE GABBS VALLEY GROUND)
WATER BASIN, NYE COUNTY, NEVADA.)

RULING

GENERAL

Application 48331 was filed on August 20, 1984, by Placer U.S., Inc., to appropriate 2.0 c.f.s. of water from an underground source for mining, milling and domestic purposes within the S1/2 Section 25 and N1/2 Section 36, T.11N., R.35E., M.D.B.&M. The point of diversion is described as being within the SE1/4 SE1/4 Section 25, T.11N., R.35E., M.D.B.&M. The application proposes to utilize the water for a gold and copper heap-leaching operation with a total annual consumptive use of 235,905,048 gallons.¹

FINDINGS OF FACT

I.

The applicant was notified by certified mail on April 18, 1985, to submit additional information to the State Engineer's office regarding consumptive use, specifically requesting data concerning water conservation measures and amount of water to be recycled. The return receipt was received from the addressee on April 22, 1985. To date the information requested has not been received from the applicant by the office of the State Engineer.¹

II.

The applicant was again notified by certified mail on May 23, 1985, to submit the additional information requested by the State Engineer's office. The return receipt was received from the addressee on May 28, 1985. To date the information requested has not been received from the applicant by the office of the State Engineer.¹

III.

The applicant requested a one year postponement of further action on June 6, 1985. A one year postponement of further action was granted on June 14, 1985.¹

IV.

The applicant was notified by certified mail on July 15, 1986, that the one year postponement of further action had expired and to submit the additional information requested within a 30 day period. The return receipt was received from the addressee on July 18, 1986. To date, the information requested has not been received from the applicant by the office of the State Engineer.¹

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 and determination.²

II.

Before either approving or rejecting an application, the State Engineer may require such additional information as will enable him to guard the public interest properly.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 appropriated 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 welfare.

IV.

The applicant has failed, to date, to submit the information requested by the State Engineer's office, and therefore sufficient information is not available to the State Engineer to guard the public interest properly.

² NRS Chapters 533 and 534.

³ NRS 533.375.

⁴ NRS 533.370(3).

RULING

Application 48331 is herewith denied on the grounds that the applicant has not submitted the information requested by the State Engineer's office and therefore the granting of said application without the requested information would not be in the public interest.

Respectfully submitted,


PETER G. MORROS
State Engineer

PGM/DL/bl

Dated this 17th day of
November, 1986.