

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATION 50550)
FILED TO APPROPRIATE THE PUBLIC)
WATERS OF AN UNDERGROUND SOURCE)
WITHIN THE LIDA VALLEY GROUND WATER)
BASIN, ESMERALDA COUNTY, NEVADA.)
)

RULING

GENERAL

Application 50550 was filed on January 26, 1987, by Western Global Mining Charter to appropriate 1.0 c.f.s. of water from an underground source for mining, milling and domestic purposes within the SE1/4 SW1/4 Section 24, T.5S., R.41-1/2E., M.D.B.&M. The point of diversion is described as being within the SE1/4 SW1/4 Section 24, T.5S., R.41-1/2E., M.D.B.&M.¹

FINDINGS OF FACT

I.

The applicant was notified by certified mail on June 9, 1987, 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 receipts were received from the addressees on June 15, 1987, and June 17, 1987. To date the information requested has not been received from the applicant.¹

II.

The applicant was again notified by certified mail on July 27, 1987, to submit the additional information requested by the State Engineer's office. The return receipts were received from the addressees on August 3, 1987. The letter assigned a 30 day time limit within which to file the required information or request a postponement of further action as provided by NRS 533.370, subsection 2. To date the information requested has not been received from the applicant.¹

III.

The applicant was again notified by certified mail on August 21, 1987, to submit the additional information requested by the State Engineer's office. The return receipts were received from the addressees on August 25, 1987, and September 1, 1987. The letter assigned a 30 day time limit within which to file the required information or request a postponement of further action as provided by NRS 533.370, subsection 2. To date, the information requested has not been received from the applicant.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 unappropriated 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 interest.

IV.

The applicant has failed to submit additional information requested by the State Engineer's office. To grant the application without the additional information requested would not be in the public interest.

RULING

Application 50550 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 additional information requested would not be in the public interest.

Respectfully submitted,



PETER G. MORROS
State Engineer

PGM/DL/bl

Dated this 28th day of
October, 1987.

² NRS Chapters 533 and 534.

³ NRS 533.375.

⁴ NRS 533.370(3).