

IN THE OFFICE OF THE STATE ENGINEER
IN THE STATE OF NEVADA

IN THE MATTER OF THE APPLICATIONS 53031,))
53032, 53033, 53034, 53035 AND 53036))
FILED TO APPROPRIATE THE PUBLIC WATERS))
OF AN UNDERGROUND SOURCE IN ALKALI))
SPRING VALLEY, ESMERALDA COUNTY, NEVADA.))

RULING

GENERAL

Application 53031 was filed March 17, 1989, by Red Rock Mining (USA), Inc. to appropriate 1.0 c.f.s. of water from an underground source for mining, milling and domestic purposes within the NW1/4 Section 35, T.2S., R.42E., M.D.B.&M. The point of diversion is described as being within the NW1/4 SW1/4 Section 26, T.2S., R.42E., M.D.B.&M. Application 53031 came ready for action by the State Engineer's office on July 1, 1989.¹

Application 53032 was filed March 17, 1989, by Red Rock Mining (USA), Inc. to appropriate 1.0 c.f.s. of water from an underground source for mining, milling and domestic purposes within the NW1/4 Section 35, T.2S., R.42E., M.D.B.&M. The point of diversion is described as being within the NW1/4 NE1/4 Section 26, T.2S., R.42E., M.D.B.&M. Application 53032 came ready for action by the State Engineer's office on July 1, 1989.¹

Application 53033 was filed March 17, 1989, by Red Rock Mining (USA), Inc. to appropriate 1.0 c.f.s. of water from an underground source for mining, milling and domestic purposes within the NW1/4 Section 35, T.2S., R.42E., M.D.B.&M. The point of diversion is described as being within the NW1/4 NW1/4 Section 35, T.2S., R.42E., M.D.B.&M. Application 53033 came ready for action by the State Engineer's office on July 1, 1989.¹

¹ Public record in the office of the State Engineer.

Application 53034 was filed March 17, 1989, by Red Rock Mining (USA), Inc. to appropriate 1.0 c.f.s. of water from an underground source for mining, milling and domestic purposes within the NW1/4 Section 35, T.2S., R.42E., M.D.B.&M. The point of diversion is described as being within the SE1/4 NW1/4 Section 11, T.2S., R.42E., M.D.B.&M. Application 53034 came ready for action by the State Engineer's office on July 1, 1989.¹

Application 53035 was filed March 17, 1989, by Red Rock Mining (USA), Inc. to appropriate 1.0 c.f.s. of water from an underground source for mining, milling and domestic purposes within the NW1/4 Section 35, T.2S., R.42E., M.D.B.&M. The point of diversion is described as being within the NE1/4 NW1/4 Section 14, T.2S., R.42E., M.D.B.&M. Application 53035 came ready for action by the State Engineer's office on July 1, 1989.¹

Application 53036 was filed March 17, 1989, by Red Rock Mining (USA), Inc. to appropriate 1.0 c.f.s. of water from an underground source for mining, milling and domestic purposes within the NW1/4 Section 35, T.2S., R.42E., M.D.B.&M. The point of diversion is described as being within the NE1/4 SW1/4 Section 35, T.2S., R.42E., M.D.B.&M. Application 53036 came ready for action by the State Engineer's office on July 1, 1989.¹

FINDINGS OF FACTS

I.

The applicant was notified by letter from the State Engineer's office dated March 26, 1990 that applications 53031, 53032, 53033, 53034, 53035 and 53036 were ready to be approved and that, in accordance with NRS 533.435, it would be necessary that the sum of \$5,244.00 be remitted to the Division of Water Resources. No fees were submitted as a result of that notice.²

² A check of the records of the office of the State Engineer indicates that no information has been received.

II.

By certified letter dated June 4, 1990, the State Engineer's office notified the applicant again that the \$5,244.00 permit fee must be remitted within 30 days of the date of the letter or applications 53031, 53032, 53033, 53034, 53035 and 53036 will be subject to denial. Properly endorsed receipts for the certified notices are on file in the office of the State Engineer.³ To date, no permit fees have been received for applications 53031, 53032, 53033, 53034, 53035 and 53036.²

CONCLUSIONS

I.

The State Engineer has jurisdiction in this matter under the provisions of NRS 533.325 and NRS 533.435.⁴

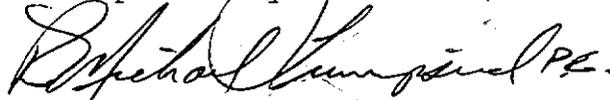
II.

The applicant has been properly notified of the requirements for the submission of the permit fees and has failed to comply with that requirement.

RULING

Applications 53031, 53032, 53033, 53034, 53035 and 53036 are herewith denied on the grounds that the applicant has failed to submit the permit fees required under the provision of NRS 533.435.

Respectfully Submitted,



R. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/MR/pm

Dated this 31st day of
July, 1990

³ See Certified Mail, Return Receipt No's. P 560 206 071 and P 560 206 070.

⁴ See NRS chapters 533 and 534.