

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

IN THE MATTER OF APPLICATIONS 45777, 45778,))
45779, 45780 45781, 45787 AND 45788 FILED))
TO APPROPRIATE THE PUBLIC WATERS OF AN))
UNDERGROUND SOURCE WITHIN THE WALKER LAKE))
VALLEY, WHISKEY FLAT-HAWTHORNE SUBAREA))
GROUND WATER BASIN, MINERAL COUNTY, NEVADA.))

RULING

4127

GENERAL

I.

Application 45777, was filed on June 11, 1982, by Seremin, Incorporated to appropriate 3.0 c.f.s. of water from an underground source for mining, milling and domestic purposes within Section 21, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$, Section 24, Section 25, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 26, T.6N., R.30E., M.D.B.&M. The point of diversion is described as being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 21, T.6N., R.30E., M.D.B.&M.¹

II.

Application 45778, was filed on June 11, 1982, by Seremin, Incorporated to appropriate 3.0 c.f.s. of water from an underground source for mining, milling and domestic purposes within E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$, Section 24, Section 25, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 26, T.6N., R.30E., M.D.B.&M. The point of diversion is described as being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 5, T.5N., R.31E., M.D.B.&M.¹

III.

Application 45779, was filed on June 11, 1982, by Seremin, Incorporated to appropriate 3.0 c.f.s. of water from an underground source for mining, milling and domestic purposes within E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$, Section 24, Section 25, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 26, T.6N., R.30E., M.D.B.&M. The point of diversion is described as being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 1, T.5N., R.30E., M.D.B.&M.¹

IV.

Application 45780, was filed on June 11, 1982, by Seremin, Incorporated to appropriate 3.0 c.f.s. of water from an underground source for mining, milling and domestic purposes within E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$, Section 24, Section 25, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 26, T.6N., R.30E.,

¹ Public record in the office of the State Engineer.

M.D.B.&M. The point of diversion is described as being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 20, T.6N., R.31E., M.D.B.&M.¹

V.

Application 45781, was filed on June 11, 1982, by Seremin, Incorporated to appropriate 3.0 c.f.s. of water from an underground source for mining, milling and domestic purposes within E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$, Section 24, Section 25, SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 26, T.6N., R.30E., M.D.B.&M. The point of diversion is described as being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 19, T.6N., R.31E., M.D.B.&M.¹

VI.

Application 45787, was filed on June 14, 1982, by Seremin, Incorporated to appropriate 3.0 c.f.s. of water from an underground source for mining, milling and domestic purposes within E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$, Section 24; Section 25; SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 26, T.6N., R.30E., M.D.B.&M. The point of diversion is described as being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 19, T.6N., R.31E., M.D.B.&M.¹

VII.

Application 45788, was filed on June 14, 1982, by Seremin, Incorporated to appropriate 3.0 c.f.s. of water from an underground source for mining, milling and domestic purposes within E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$ Section 24; Section 25; SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 26, T.6N., R.30E., M.D.B.&M. The point of diversion is described as being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 29, T.6N., R.31E., M.D.B.&M.¹

VIII.

Applications 45777, 45778, 45779, 45780, 45781, 45787 and 45788 were timely protested on September 28, 1982, by Sweetwater Ranch Co., generally on the grounds that there is no unappropriated water at the source and existing rights would be impaired if the permits were granted. The complete grounds of the protests are on file under the referenced applications.

IX.

Application 45780 was timely protested by Larry G. Bettis, District Attorney of Mineral County, Nevada, on October 18, 1982, generally on the grounds that Mineral County has a pending

application in the same area of Application 45780. The complete protest is on file under Application 45780.

FINDINGS OF FACT

I.

The applicant was notified by certified mail on May 20, 1993, 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 applicant and agent on May 24, 1993.²

II.

The letter assigned a 30 day time limit 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 or agent.³

CONCLUSIONS

I.

The State Engineer has jurisdiction of the parties and the subject matter of this action and determination.⁴

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.⁵

² See Certified Mail, return Receipt No's. P 139 025 202 and P 139 025 203.

³ A check of the record of the State Engineer indicates that no information has been received.

⁴ NRS Chapters 533 and 534.

⁵ NRS 533.375.

III.

The State Engineer is prohibited by law from granting a permit under an application to appropriate the public waters where:

- 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.⁶

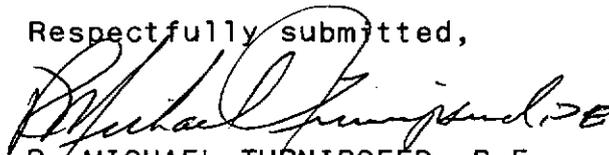
IV.

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

RULING

Applications 45777, 45778, 45779, 47580, 45781, 45787 and 45788 are hereby 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 applications without the additional information requested would not be in the public interest. No finding is made on the validity of protests submitted by Sweetwater Ranch Co. and Larry G. Bettis.

Respectfully submitted,


R. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/DJL/pm

Dated this 14th day of
July, 1994.

⁶ NRS Chapter 533.370(3).