

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

IN THE MATTER OF APPLICATION 55019)
FILED TO APPROPRIATE THE PUBLIC)
WATERS OF AN UNDERGROUND SOURCE)
WITHIN THE PINE VALLEY GROUNDWATER)
BASIN (53), EUREKA COUNTY, NEVADA.)

RULING

4216

GENERAL

I.

Application 55019 was filed on June 29, 1990, by Santa Fe Pacific Mining, Inc., to appropriate 0.11 cfs of water from an underground source for mining and milling purposes. The point of diversion is described as being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 20, T.26N., R.49E., M.D.B.&M.¹

II.

Pursuant to the provisions of NRS 533.375, Applicant Santa Fe Pacific Mining, Inc. was notified by certified mail on October 17, 1990, to submit additional justification data and information to the State Engineer's Office regarding annual consumptive use of the water for the mining and milling purposes under the application. Santa Fe Pacific Mining, Inc. filed a response to the request for information in the Office of the State Engineer on April 8, 1991.¹

III.

By letter dated January 25, 1993, William A. Nisbet submitted a Quitclaim Deed, Assignment, Bill of Sale and Assumption Agreement and the prescribed transfer fee requesting that the State Engineer change the owner of record of Application 55019 from Santa Fe Pacific Mining, Inc. to Maynard Alves and Jacolyn Alves.¹

IV.

On March 18, 1993, the State Engineer's Office sent notification to Maynard Alves, Jacolyn Alves and William Nisbet that Application 55019 had been assigned to Maynard Alves and Jacolyn Alves in the records of the Office of the State Engineer.¹

¹ File No. 55019, official record in the Office of the State Engineer.

FINDINGS OF FACT

I.

The State Engineer finds that on June 11, 1993, the Alves and William Nisbet were notified by certified mail to submit additional updated justification and information concerning the annual consumptive use of water under Application 55019 for mineral exploration purposes, and that the return receipts were received from the addressees.¹

II.

The State Engineer finds that to date the information requested has not been received.¹

III.

The State Engineer finds that the applicants and William Nisbet were again notified by certified mail on May 25, 1995, to submit the additional information requested by the State Engineer's Office, and that the return receipts were received from the addressees.¹

IV.

The State Engineer finds that the May 25, 1995 letter requesting the additional information, informed the applicants and William Nisbet that they had a 30 day time limit in which to file the required information, otherwise the State Engineer would assume the applicants were no longer interested in pursuing the application and that appropriate action would be taken regarding denial of Application 55019.¹

CONCLUSIONS

I.

The State Engineer has jurisdiction over 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 from the current

² NRS Chapters 533 and 534.

owner of record 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.

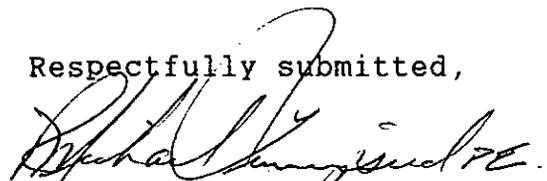
IV.

The applicant has failed to submit the information requested to the State Engineer's Office. The State Engineer concludes that without the additional data, sufficient information is not available to guard the public interest properly.

RULING

Application 55019 is hereby denied on the grounds that the applicants have not submitted the data and information requested by the State Engineer's Office, and that without this information granting of the application would be detrimental to the public interest.

Respectfully submitted,


R. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/SJT/DJL/pm

Dated this 5th day of
October, 1995.

³ NRS 533.375.

⁴ NRS Chapter 533.370(3).