

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

IN THE MATTER OF APPLICATIONS 62514 AND)
62515 FILED TO APPROPRIATE THE PUBLIC)
WATERS FROM AN UNDERGROUND SOURCE WITH-)
IN THE KOBEH VALLEY GROUND WATER BASIN)
(139), EUREKA COUNTY, NEVADA.)

RULING

#4600

GENERAL

I.

Applications 62514 and 62515 were filed on October 14, 1996, by Mount Hope Mines, Inc. to appropriate 3.0 cubic feet per second of water each from an underground source for mining, milling and domestic purposes within all sections of T.21N., R.50E., R.51E., R.52E., and R.53E.; T.21½N., R.51½, R.52E., and R.53E.; T.22N., R.50E., R.51E., R51½E., R.52E., and R.53E.; T.23N., R.50E., R.51E., R.52E., and R.53E.; T.23½N., R.50E. and T.24N., R.50E., R.51E., R.52E., and R.53E., M.D.B.&M. The points of diversion are described as being located within the SE¼ SE¼ of Section 26, T.22N., R.50E. and the SE¼ SE¼ of Section 24, T.21N., R.51E., M.D.B.&M.¹

FINDINGS OF FACT

I.

The applicant and its agent were notified by certified mail dated January 17, 1997, to submit additional justification data and information to the State Engineer's office concerning the annual consumptive use of water under the applications. Properly endorsed return receipts were received from the addressees on January 22 and 23, 1997, respectively.¹ The State Engineer finds that the applicant was properly noticed of the request for additional information and that to date no information has been received in response to the request for information.¹

¹File Nos. 62514 and 62515, official records in the office of the State Engineer.

II.

The applicant and its agent were again notified on April 1, 1997, by certified mail, to submit the previously requested information. A thirty (30) day time limit was assigned for the submission of a response or the applications would be subject to denial. Properly endorsed return receipts were received from the addressees on April 7, 1997.¹ The State Engineer finds that the applicant and its agent were properly notified of the request for additional information and that to date no information has been received in response.

III.

On March 31, 1997, the State Engineer received a request from the applicant requesting a delay of one year for taking action on Applications 62514 and 62515. On May 6, 1997, the State Engineer's office contacted Stephen Drimmer by telephone and granted an additional ninety (90) days to submit the required information. The State Engineer finds that to date no information has been received in response to the numerous requests for information.¹

CONCLUSIONS

I.

The State Engineer has jurisdiction over 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 properly guard the public interest.³

²NRS Chapters 533 and 534.

³NRS § 533.375.

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.

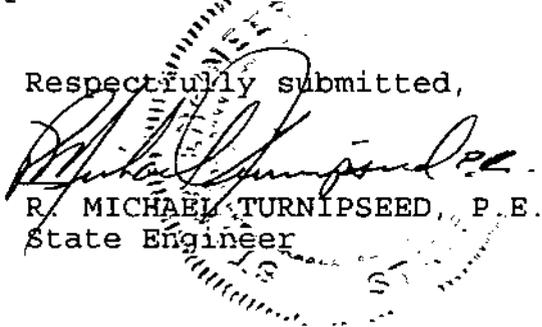
The applicant and its agent were properly notified of the requirement for additional information concerning these applications and have failed to submit the information to the State Engineer's office. The State Engineer concludes that without the information requested sufficient information is not available for the State Engineer to properly guard the public interest.

RULING

Applications 62514 and 62515 are hereby denied on the grounds that the applicant has failed to submit the data and information requested by the State Engineer's office and that without this information the granting of the applications would be detrimental to the public interest.

Respectfully submitted,


R. MICHAEL TURNIPSEED, P.E.
State Engineer



RMT/DJL/bk

Dated this 29th day of
January, 1998.

⁴NRS § 533.370(3).