

IN THE MATTER OF APPLICATION NO.)
23688, FILED BY ANDREW ZINKL &)
NICK COMERESKI TO APPROPRIATE)
WATER FROM AN UNDERGROUND SOURCE)
IN ESMERALDA COUNTY, NEVADA)

R U L I N G

GENERAL:

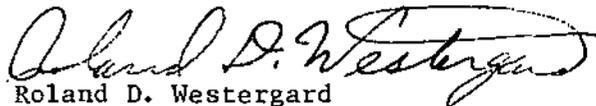
Application 23688 was filed on February 13, 1967 by Andrew Zinkl and Nick Comerreski to appropriate 4.0 c.f.s. of water from an underground source for milling purposes. The proposed point of diversion is the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 3, T. 3 N., R. 36 E., M.D.B.&M.; and the proposed place of use is within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 34, T. 4 N., R. 36 E., M.D.B.&M. (unsurveyed).

Application 23688 became ready for action on May 8, 1967 and request for statutory permit fees of \$40.00 was mailed to the applicants on October 8, 1968 with a copy to Beko and Lemon, Attorneys at Law of Tonopah, Nevada. The required permit fees were not received in response to the notice. A second request for permit fees was mailed to the applicants on June 10, 1969 via certified mail; and to Beko and Lemon via certified mail. The letter mailed to the applicants was returned to this office with the notation "unclaimed" stamped upon the envelope. The notice mailed to Beko and Lemon was delivered on June 11, 1969, as shown by signed returned receipt. The required fees had not been received as of July 10, 1969.

RULING

Application 23688 is hereby denied on the grounds that the applicants have not submitted the statutory permit fees, as required by NRS 533.435.

Respectfully submitted,


Roland D. Westergard
State Engineer

RDW:JCP:jls

Dated this 17th day
of July, 1969.