

IN THE MATTER OF APPLICATION 46264)
FILED TO APPROPRIATE THE PUBLIC)
WATERS OF AN UNDERGROUND SOURCE IN)
CLAYTON VALLEY, ESMERALDA COUNTY,)
NEVADA.)

RULING

FINDINGS OF FACT

I.

Application 46264 was filed on October 21, 1982, in the name of Desert Metals Associates to appropriate 2.0 c.f.s. of water from an underground source to be located within the SE1/4 SE1/4 Section 34, T.1S., R.39E., M.D.B.&M., to be used for mining and milling and domestic purposes. Notice of publication of Application 46264 was mailed to the Tonopah Times Bonanza in accordance with NRS 533.360 on December 27, 1982. Application 46264 became ready for action by the State Engineer's office on March 5, 1983.

II.

The applicant was notified by letter from the State Engineer's office dated January 9, 1984, that Application 46264 was ready to be approved but that in accordance with NRS 533.435, it would be necessary that the sum of \$200.00 for the issuance of a permit be remitted to the Division of Water Resources. No fees were submitted as a result of that notice; and by subsequent certified letter dated February 13, 1984, the applicant was again advised that the application was ready to be approved, but that it would first be necessary that the sum of \$200.00 for the issuance of the permit be remitted. Said letter further stated that in the event the permit fee was not received within 30 days from the date of that letter, the application would be subject to denial. A properly endorsed receipt for that certified notice is on file in the office of the State Engineer. To the date of this ruling, no permit fees have been received under Application 46264.

CONCLUSIONS

I.

The State Engineer has jurisdiction in this matter under the provisions of NRS 533.325 and 533.435.

II.

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

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RULING

Application 46264 is herewith denied on the grounds that the applicant has failed to submit the permit fees required under the provisions of NRS 533.435.

Respectfully submitted



Peter G. Morros
State Engineer

PGM/GB/bl

Dated this 6th day of
APRIL, 1984.