

**IN THE OFFICE OF THE STATE ENGINEER**

IN THE MATTER OF APPLICATION 43622)  
FILED TO APPROPRIATE THE PUBLIC)  
WATERS OF AN UNNAMED SPRING IN LYON)  
COUNTY, NEVADA. )

**RULING**

**GENERAL**

Application 43622 was filed on April 27, 1981, by Donald N. and Alan G. Dondero and International Tungsten and Minerals Corp. of Nevada to appropriate 0.3 c.f.s. of water from an unnamed spring for mining, milling and domestic purposes within the NE1/4 NW1/4, SE1/4 NW1/4, NE1/4 SW1/4 Section 21, T.16N., R.21E., M.D.B.&M. The point of diversion is described as being within the NE1/4 NW1/4 Section 21, T.16N., R.21E., M.D.B.&M. Application 43622 became ready for action by the State Engineer's office on December 13, 1981.<sup>1</sup>

**FINDINGS OF FACT**

I.

The applicants were notified by letter from the State Engineer's office dated February 1, 1985, that Application 43622 was ready to be approved and that in accordance with NRS 533.435, it would be necessary that the sum of \$100.00 be remitted to the Division of Water Resources. The notice sent to the address on file for Donald N. and Alan G. Dondero was returned as "not deliverable as addressed." No fees were submitted as a result of the notice.<sup>1</sup>

II.

By certified letter dated April 19, 1985, the State Engineer's office notified the applicants again that the \$100.00 permit fee must be remitted within 30 days of the date of the letter or Application 43622 would be subject to denial. Endorsed receipts for the certified notice are on file in the office of the State Engineer. A receipt endorsed by B. Freeman was received from Donald N. and Alan G. Dondero, however, the notice was later returned to the State Engineer's office. To date, no permit fees have been received for Application 43622.<sup>1</sup>

**CONCLUSIONS**

I.

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

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<sup>1</sup> Public record in the office of the State Engineer.

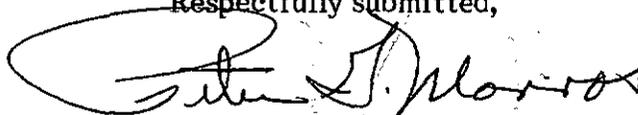
II.

The applicants have been properly notified of the requirements for the submission of the permit fees and have failed to comply with that requirement.

RULING

Application 43622 is herewith denied on the grounds that the applicants have failed to submit the permit fees required under the provisions of NRS 533.435.

Respectfully submitted,



Peter G. Morros  
State Engineer

PGM/DL/bk

Dated this 21st day of

July, 1988.