

**IN THE OFFICE OF THE STATE ENGINEER**

IN THE MATTER OF APPLICATION 45929 )  
FILED TO APPROPRIATE THE PUBLIC )  
WATERS OF AN UNDERGROUND SOURCE IN )  
CARSON DESERT, CHURCHILL COUNTY, )  
NEVADA. )

**RULING**

**FINDINGS OF FACT**

I.

Application 45929 was filed on July 14, 1982, by Joe Ashburn to appropriate 2.0 c.f.s. of water from an underground source for mining and milling purposes within Section 1, T.22N., R.28E., M.D.B.&M. The point of diversion is described as being within Lot 3 Section 1, T.22N., R.28E., M.D.B.&M. Application 45929 became ready for action by the State Engineer's office on March 26, 1983.<sup>1</sup>

II.

The applicant was notified by letter from the State Engineer's office dated November 8, 1983, that Application 45929 was ready to be approved and 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 March 9, 1984, the applicant was again advised that the application was ready to be approved and that it would first be necessary that the sum of \$200.00 be remitted for issuance of the permit. Said letter further stated that in the event the permit fees were not received within 90 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 45929.

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

RULING

Application 45929 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

A handwritten signature in black ink, appearing to read "Peter G. Morros", written over a horizontal line.

Peter G. Morros  
State Engineer

PGM/SW/bl

Dated this 20th day of

SEPTEMBER, 1984.