

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATIONS 49904)
AND 49905 FILED TO APPROPRIATE THE)
PUBLIC WATERS OF WILLOW CREEK AND)
AN UNDERGROUND SOURCE,))
RESPECTIVELY, IN THE IMLAY AREA,))
PERSHING COUNTY, NEVADA.)

RULING

GENERAL

Application 49904 was filed on June 5, 1986, by Roy W. Rushing to appropriate 0.0294 c.f.s. of water from Willow Creek for mining and milling purposes within the NE1/4 NW1/4, SE1/4 NW1/4, NW1/4 SW1/4, NE1/4 SW1/4 Section 32, T.32N., R.36E., M.D.B.&M. The point of diversion is described as being within the SE1/4 NW1/4 Section 32, T.32N., R.36E., M.D.B.&M.¹

Application 49905 was filed on June 5, 1986, by Roy W. Rushing to appropriate 0.0294 c.f.s. of water from an underground source for mining and milling purposes within the SW1/4 NW1/4, SE1/4 NW1/4, NW1/4 SW1/4, NE1/4 SW1/4 Section 32, T.32N., R.36E., M.D.B.&M. The point of diversion is described as being within the SE1/4 NW1/4 Section 32, T.32N., R.36E., M.D.B.&M.¹

FINDINGS OF FACT

I.

On June 5, 1986, Check No. 2046 in the amount of \$100.00 and Check No. 2047 in the amount of \$100.00 was received in the State Engineer's office for payment of application fees under Applications 49904 and 49905. The checks were subsequently deposited by the State Engineer and the processing procedure under Applications 49904 and 49905 was initiated.

II.

Advice letters from First Interstate Bank of Nevada, Carson City, dated June 16, 1986, were received by the State Engineer stating that Check No. 2046 in the amount of \$100.00 and Check No. 2047 in the amount of \$100.00 were being returned to the State Engineer. The advice letters indicated that payment had been stopped on Check Nos. 2046 and 2047.¹

¹ Public record in the office of the State Engineer.

CONCLUSIONS

I.

The State Engineer has jurisdiction of the parties and the subject matter of this action and determination.²

II.

The applicant under Applications 49904 and 49905 has failed to submit sufficient application fees as required by NRS 533.435.

RULING

Applications 49904 and 49905 are hereby cancelled on the grounds that the applicant has failed to submit the application fee of \$100.00 for each application under the provisions of NRS 533.435.

Respectfully submitted,



PETER G. MORROS
State Engineer

PGM/MM/bl

Dated this 14th day of
July, 1986.

² NRS 533.325; NRS 533.370, subsection A; and NRS 533.435.