

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATION 48546)
FILED TO APPROPRIATE THE PUBLIC)
WATERS OF JOSIE PEARL SPRING IN BLACK)
ROCK DESERT, HUMBOLDT COUNTY,))
NEVADA.)

RULING

GENERAL

Application 48546 was filed on November 9, 1984, by Bandera Energy and Minerals Corporation to appropriate 0.005 c.f.s. of water from Josie Pearl Spring for quasi-municipal and domestic purposes within the NW1/4 SE1/4 Section 25, T.42N., R.27E., M.D.B.&M. The point of diversion is described as being within the SE1/4 SW1/4 Section 25, T.42N., R.27E., M.D.B.&M. Application 48546 became ready for action by the State Engineer's office on March 9, 1985.¹

FINDINGS OF FACT

I.

The applicant was notified by letter from the State Engineer's office dated December 23, 1985, that Application 48546 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. No fees were submitted as a result of that notice.¹

II.

By certified letters dated April 21, 1986, and June 30, 1986, the State Engineer's office notified the applicant again that the \$100.00 permit fee must be remitted within 30 days of the date of the letter or Application 48546 would be subject to denial. The certified notice of April 21, 1986, was returned to the Division of Water Resources marked "unclaimed" and resent regular mail on May 13, 1986. A properly endorsed receipt for the certified notice of June 30, 1986, is on file in the office of the State Engineer. To date, no permit fees have been received for Application 48546.¹

CONCLUSIONS

I.

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

II.

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

¹ Public record in the office of the State Engineer.

RULING

Application 48546 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", is written over a horizontal line. The signature is stylized and cursive.

PETER G. MORROS
State Engineer

PGM/MM/bl

Dated this 14th day of
August, 1986.