

IN THE MATTER OF APPLICATION 44400)
TO APPROPRIATE WATER FROM AN)
UNDERGROUND SOURCE IN CARSON)
DESERT, CHURCHILL COUNTY, NEVADA)

R U L I N G

FINDINGS OF FACT

I

Application 44400 was filed on September 8, 1981, in the name of George W. Gray to appropriate 1.0 c.f.s. of water from an underground source to be located within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 36, T22N, R28E, MOB&M, to be used for mining and milling purposes. Notice of publication of Application 44400 was mailed to the Fallon Eagle Standard in accordance with NRS 533.360 on December 7, 1981. Application 44400 became ready for action by the State Engineer's office on February 9, 1982.

II

The applicant was notified by letter from the State Engineer's office dated March 16, 1982, that Application 44400 was ready to be approved but that in accordance with NRS 533.435, it would be necessary that the sum of \$100 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 April 21, 1982, the applicant was again advised that the application was ready to be approved, but that it would first be necessary that the sum of \$100 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 44400.

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.

RULING

Application 44400 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/AJV/ja

Dated this 30th day

of JULY, 1982.