

IN THE MATTER OF APPLICATIONS 46206,)
46207, 46209 and 46211, TO APPROPRIATE)
WATER FROM AN UNDERGROUND SOURCE IN)
STEPTOE VALLEY, WHITE PINE COUNTY,)
NEVADA.)

R U L I N G

FINDINGS OF FACT

I

Application 46206 was filed by Dave Carter and Guy Tipton on October 8, 1982, to appropriate 5.4 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 31, T. 25 N., R. 64 E., M.D.B.&M., and the place of use is 640 acres within the NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{2}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 30, and NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 31, all in T. 25 N., R. 64 E., M.D.B.&M.

Application 46207 was filed by Dave Carter and Guy Tipton on October 8, 1982, to appropriate 5.4 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 1, T. 24 N., R. 63 E., M.D.B.&M., and the place of use is 760 acres within the S $\frac{1}{2}$ of Section 1, N $\frac{1}{2}$ of Section 12, all in T. 24 N., R. 63 E., and Lot 7 of Section 6, N $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 7, all in T. 24 N., R. 64 E., M.D.B.&M.

Application 46209 was filed by Dave Carter and Guy Tipton on October 8, 1982, to appropriate 5.4 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 18, T. 23 N., R. 63 E., M.D.B.&M., and the place of use is 320 acres within Lot 3, E $\frac{1}{2}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 18, N $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 19, and NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 20, all in T. 23 N., R. 63 E., M.D.B.&M.

Application 46211 was filed by Dave Carter and Guy Tipton on October 8, 1982, to appropriate 4.0 c.f.s. of underground water within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 17, T. 25 N., R. 64 E., M.D.B.&M., and the place of use is 480 acres within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 16, SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 17, N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 20, and W $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 21, all in T. 25 N., R. 64 E., M.D.B.&M.

II

No protests were filed to the granting of these applications.

III

On July 19, 1983, a letter was sent to Dave Carter and Guy Tipton indicating that Applications 46206, 46207, 46209 and 46211 were ready for approval by the State Engineer and requested permit fees in the amount of \$2,200.00 as required by NRS 533.435.

IV

On August 15, 1983, Check No. 147 in the amount of \$700.00 and Check No. 1047 in the amount of \$1500.00 were received in this office for the payment of permit fees for Applications 46206, 46207, 46209 and 46211. The checks were subsequently deposited by the State Engineer and preparation of permits under Applications 46206, 46207, 46209 and 46211 was initiated.

V

On September 1, 1983, an advice letter from First Interstate Bank, Carson City, was received by the State Engineer, stating that Check No. 1047 in the amount of \$1500.00 was being returned to the State Engineer. The advice letter indicated that Check No. 1047 had been refused and marked, "Refer to maker." 1/

CONCLUSIONS

I

The State Engineer has jurisdiction of the parties and the subject matter of these applications. 2/

II

The applicant under Applications 46207, 46209 and 46211 has failed to submit sufficient permit fees in compliance with NRS 533.435.

RULING
Page Three

RULING

Applications 46207, 46209 and 46211 are hereby denied on the grounds that the applicants have failed to submit the statutory permit fees as required in compliance with NRS 533.435.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Peter G. Morros", is written over a large, hand-drawn oval scribble.

PETER G. MORROS
State Engineer

PGM/KN/br

Dated this 14th day of
OCTOBER, 1983.

FOOTNOTES

1. Public records of the State Engineer. See Application 46207.
2. NRS 533.025 and 533.030, subsection 1.