

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATIONS 38550,
39753 AND 39754 FILED TO APPROPRIATE)
THE PUBLIC WATERS OF CARTER SPRING,
PEMBERTON SPRING AND MESSIER SPRING)
IN PENOYER VALLEY, LINCOLN COUNTY,
NEVADA.)

RULING

GENERAL

Application 38550 was filed on July 12, 1979, by Carole Marsh Carter to appropriate 3.0 c.f.s. of water from Carter Spring for stockwater and domestic purposes within the W1/2 E1/2 Section 9 and all of Sections 16 and 20, T.1N., R.56E., M.D.B.&M. The point of diversion is described as being within the NW1/4 NE1/4 Section 9, T.1N., R.56E., M.D.B.&M. Application 38550 became ready for action by the State Engineer's office on May 10, 1980.¹

Application 39753 was filed on November 20, 1979, by Carole Marsh Carter to appropriate 3.0 c.f.s. of water from Pemberton Spring for stockwater and domestic purposes within the W1/2 E1/2 Section 9 and all of Sections 16 and 20, T.1N., R.56E., M.D.B.&M. The point of diversion is described as being within the SW1/4 NE1/4 Section 9, T.1N., R.56E., M.D.B.&M. Application 39753 became ready for action by the State Engineer's office on August 9, 1980.¹

Application 39754 was filed on November 20, 1979, by Carol Marsh Carter to appropriate 3.0 c.f.s. of water from Messier Spring for stockwater and domestic purposes within the W1/2 E1/2 Section 9 and all of Sections 16 and 20, T.1N., R.56E., M.D.B.&M. The point of diversion is described as being within the SW1/4 NE1/4 Section 9, T.1N., R.56E., M.D.B.&M. Application 39754 became ready for action by the State Engineer's office on August 23, 1980.¹

FINDINGS OF FACT

I.

The applicant was notified by letter from the State Engineer's office dated November 7, 1984, that Applications 38550, 39753 and 39754 were ready to be approved and that, in accordance with NRS 533.435, it would be necessary that the sum of \$150.00 be remitted to the Division of Water Resources. No fees were submitted as a result of that notice.¹

¹ Public record in the office of the State Engineer.

II.

By certified letter dated January 22, 1985, the State Engineer's office notified the applicant again that the \$150.00 permit fee must be remitted within 30 days of the date of the letter or Applications 38550, 39753 and 39754 would be subject to denial. Properly endorsed receipts for the certified notice are on file in the office of the State Engineer. To date, no permit fees have been received for Application 38550, 39753 and 39754.¹

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.

RULING

Applications 38550, 39753 and 39754 are 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/MD/bl

Dated this 14th day of
August, 1985.