

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATION 44648)
FILED TO APPROPRIATE THE PUBLIC)
WATERS OF AN UNDERGROUND SOURCE)
AND APPLICATION 44649 FILED TO CHANGE)
THE MANNER OF USE OF THE PUBLIC)
WATERS OF AN UNDERGROUND SOURCE)
HERETOFORE APPROPRIATED UNDER)
PERMIT 13045, CERTIFICATE 3943, IN)
PANACA VALLEY, LINCOLN COUNTY,)
NEVADA.)

RULING

GENERAL

Application 44648 was filed on October 16, 1981, by Gerald R. Musser, Connie L. Musser, Dwight L. Milner and Marva M. Milner to appropriate 1.0 c.f.s. of water from an underground source for commercial purposes within the NE1/4 SE1/4 Section 7, T.2S., R.68E., M.D.B.&M. The point of diversion is described as being within the NE1/4 SE1/4 Section 7, T.2S., R.68E., M.D.B.&M. Application 44648 became ready for action by the State Engineer's office on September 11, 1982.¹

Application 44649 was filed on October 16, 1981, by Gerald R. Musser, Connie L. Musser, Dwight L. Milner and Marva M. Milner to change the manner of use of 0.50 c.f.s. of water from an underground source heretofore appropriated under Permit 13045, Certificate 3943, from irrigation to commercial purposes within the NE1/4 SE1/4 Section 7, T.2S., R.68E., M.D.B.&M. The point of diversion is described as being within the NE1/4 SE1/4 Section 7, T.2S., R.68E., M.D.B.&M. The well under Application 44649 is to be used as a back-up well to Application 44648.¹

FINDINGS OF FACT

I.

The applicants were notified by letter from the State Engineer's office dated November 8, 1984, that Application 44648 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 letter dated January 25, 1985, the State Engineer's office notified the applicants again that the \$100.00 permit fee must be remitted within 30 days of the date of the letter or Application 44648 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 44648.¹

¹ Public record in the office of the State Engineer.

CONCLUSIONS

I.

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

II.

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

RULING

Application 44648 is herewith denied on the grounds that the applicants have failed to submit the permit fees required under the provisions of NRS 533.435.

Application 44649 is herewith denied on the grounds that no need exists for the back-up well and that approval of said application would be detrimental to the public interest.

Respectfully submitted,


PETER G. MORROS
State Engineer

PGM/DL/bl

Dated this 17th day of
December, 1985.