

IN THE MATTER OF APPLICATION 36109 TO)
APPROPRIATE WATER IN PAHRUMP VALLEY,)
NYE COUNTY, NEVADA)

R U L I N G

FINDINGS OF FACT

I

Application 36109 was filed on October 26, 1978, in the name of Paul and Dorothy Hernandez to appropriate 1.0 c.f.s. of water from an underground source to be located within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 18, T.21S., R.54E., M.D.B. & M., for quasi-municipal and domestic use within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 18. Notice of application was published in accordance with the requirements of NRS 533.360, and the statutory protest period established under NRS 533.365 ended on March 4, 1979.

II

The applicant was notified by letter dated February 8, 1980 from the State Engineer's office that Application 36109 was ready to be approved by the State Engineer, but that in accordance with the provisions of NRS 533.435, it would be necessary that a permit fee in the amount of \$10.00 for the issuance of the permit be remitted to the Division of Water Resources. That notice was returned to the Division of Water Resources by the U.S. Postal Service marked "Forwarding Order Expired."

III

Mr. Richard J. Baughman had acted as agent for Paul and Dorothy Hernandez in the filing of Application 36109. The Division of Water Resources sent a certified letter dated March 18, 1980, to Mr. Baughman advising him that the \$10.00 permit fee under Application 36109 was due to be filed, and that in the event the required fee was not received within 30 days of the date of that letter, the State Engineer's office would assume that the applicant was no longer interested in the issuance of a permit, and Application 36109 would be subject to denial. That letter also requested that Mr. Baughman inform the Division of the current mailing address of the applicant. By subsequent written response dated April 17, 1980, Mr. Baughman indicated that he was unable to locate the Hernandezs and, therefore assumed that they had either moved or were no longer interested in the issuance of a permit under the application.

CONCLUSIONS

I

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

RULING

Application 36109 is herewith denied on the grounds that the applicant and their agent have failed to submit the permit fee as required under the provisions of NRS 533.435.

Respectfully submitted,



William J. Newman
State Engineer

WJN/BAR/gk

Dated this 25th day

of June, 1980.