

IN THE MATTER OF APPLICATION 38199 )  
FILED TO APPROPRIATE THE WATERS OF AN )  
UNDERGROUND SOURCE IN SMOKE CREEK )  
DESERT, WASHOE COUNTY, NEVADA )

R U L I N G

FINDINGS OF FACT

I

Application 38199 was filed on May 16, 1979 by Clifford Raney to appropriate 2.4 c.f.s. of water from an underground source at a point located within the SW $\frac{1}{4}$  NE $\frac{1}{4}$  Section 8, T. 30 N., R. 19 E., M.D.B.&M. Water was to be used for irrigation and domestic purposes on 120 acres located within the SW $\frac{1}{4}$  NE $\frac{1}{4}$ , NW $\frac{1}{4}$  SE $\frac{1}{4}$ , and portions of the NE $\frac{1}{4}$  SW $\frac{1}{4}$  and SE $\frac{1}{4}$  NW $\frac{1}{4}$ , all in Section 8, T. 30 N., R. 19 E., M.D.B.&M.

II

No protests were filed to the granting of Application 38199 which became ready for action on April 16, 1980.

III

On August 12, 1981, a notice for permit fees was sent to Clifford Raney with a copy sent to Jerry Stanton, Mr. Raney's agent.

IV

By his letter of September 4, 1981, Mr. Raney objected to the amount of the permit fee being requested, namely \$300.00, on the grounds that NRS 533:435 was changed on July 1, 1981, a date after his application was filed.

V

By letter of February 9, 1982, the Chief of the Office Engineering Section notified Mr. Raney of the State Engineer's interpretation of the request for permit fees.

VI

By an undated memo, Mr. Raney requested a one year's delay on the issuance of a permit under Application 38199. 1/

VII

By a letter dated August 20, 1982, the Chief of the Office Engineering Section granted Mr. Raney a one year's delay in the granting of Permit 38199.

RULING  
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VIII

A notice for permit fees in the amount of \$300.00 was sent to Clifford Raney on September 19, 1983 by certified mail. The return receipt card was signed by C. Raney and received back in this office on September 22, 1983. To date the permit fees have not been received.

CONCLUSIONS

The State Engineer has jurisdiction over the parties and subject matter of this action. 2/

RULING

Application 38199 is hereby denied on the grounds that the applicant has failed to submit the statutory permit fees as required and requested in accordance with NRS 533.435.

Respectfully submitted,



PETER G. MORROS  
State Engineer

PGM/KN/br

Dated this 19th day of  
January, 1984.

FOOTNOTES

1. NRS 533.370, Subsection 3(a).
2. NRS 533.025 and NRS 533.030, Subsection 1.