

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATION 35446)
FILED TO APPROPRIATE THE PUBLIC)
WATERS OF AN UNDERGROUND SOURCE IN)
WHITE RIVER VALLEY, WHITE PINE)
COUNTY, NEVADA.)

RULING #3178

GENERAL

Application 35446 was filed on May 19, 1978, by Nathan R. or Mae Ellen Maynard to appropriate 4.5 c.f.s. of water from an underground source for irrigation purposes on 180 acres of land within the SW1/4, SE1/4 and NE1/4 Section 19, T.12N., R.62E., M.D.B.&M. The point of diversion is described as being within the NW1/4 SE1/4 Section 19, T.12N., R.62E., M.D.B.&M.¹

FINDINGS OF FACT

I.

The applicants were notified by letter from the State Engineer's office dated July 2, 1982, that Application 35446 was ready to be approved and that in accordance with NRS 533.435, it would be necessary that permit fees be remitted to the Division of Water Resources. Since no response to that letter was received, another letter was sent, certified mail, on August 11, 1982, requesting the permit fees.¹

II.

On September 16, 1982, this office contacted the applicants by phone and advised them that the fees must be paid. No fees or further communication was received as a result of that telecon.¹

III.

On October 26, 1984, another letter was sent to the applicant again requesting the permit fees. No response was received from that letter.¹

IV.

On February 22, 1985, a fourth letter was sent to the applicants notifying them that if the permit fees were not paid within 30 days of the date of the letter, this office would assume that they were no longer interested in pursuing the application and it would be subject to denial. The proof of mailing form was signed by Ellen Maynard on February 25, 1985. To date no permit fees have been received on Application 35446.¹

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 533.435.

II.

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

RULING

Application 35446 is herewith denied on the grounds that the applicants have failed to submit the permit fees required under the provisions of NRS 533.435.

Respectfully submitted,



PETER G. MORROS
State Engineer

PGM/CT/bl

Dated this 19th day of
April, 1985.