

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATION 53132)
FILED TO CHANGE THE POINT OF)
DIVERSION AND PLACE OF USE OF THE)
WATERS OF AN UNDERGROUND SOURCE)
HERETOFORE APPROPRIATED UNDER)
PERMIT 31503 IN BIG SMOKY VALLEY -)
TONOPAH FLAT, NYE COUNTY, NEVADA.)

RULING

GENERAL

Application 53132 was filed on April 12, 1989, by Nelson D. and Donna M. Otteson to change 0.1875 c.f.s. of water previously appropriated under Permit 31053 from an underground source for irrigation and domestic purposes. The point of diversion is described as being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 13, T.6N., R.40E., M.D.B.&M.

FINDINGS OF FACT

I.

The State Engineer is required pursuant to NRS 533.435 to collect a fee of \$40.00 for filing an application to change the public waters of the State of Nevada.

II.

The statutory filing fee was paid by check No. 2758 from the account of Double D Ranch, Donna and Dean Otteson signed by Donna Otteson.

III.

On April 21, 1989, First Interstate Bank of Nevada returned check No. 2758 to the State Engineer with a returned item advice of debit 1047664 and further marked "Endorsement Cancelled".

CONCLUSIONS

I.

The State Engineer has jurisdiction of the parties and the subject matter of this action pursuant to NRS 533.025, NRs 533.030 subsection 1 and NRS 533.435.

II.

The filing fee of \$40.00 did not accompany Application 53032 since check No. 2758 was returned unpaid by the bank.

RULING

Application 53032 is hereby cancelled because the applicant failed to submit the required statutory application fee.

Respectfully submitted,



PETER G. MORROS
State Engineer

PGM/CT/bk

Dated this 12th day of

June, 1989.