

IN THE OFFICE OF THE STATE ENGINEER
IN THE STATE OF NEVADA

IN THE MATTER OF THE APPLICATION 41074)
FILED TO APPROPRIATE THE PUBLIC WATERS)
OF AN UNDERGROUND SOURCE IN)
PUMPERNICKEL VALLEY, HUMBOLDT COUNTY,)
NEVADA.)

RULING

GENERAL

I.

Application 41074 was filed on April 9, 1980 by Hugh Anthony and Ruth Ann Tipton to appropriate 6.0 c.f.s. of water from an underground source for manufacturing purposes within the S1/2 Section 4, T.33N., R.40E., M.D.B.&M. Application 41074 came ready for action by the State Engineer's office on August 23, 1980.¹

FINDINGS OF FACT

I.

The applicant's were notified by letter from the State Engineer's office dated July 1, 1986 that application 41074 was ready to be approved and that, in accordance with NRS 533.435, it would be necessary that the sum of \$600.00 be remitted to the Division of Water Resources. No fees were submitted as a result of that notice.²

II.

By certified letter dated November 17, 1989, the State Engineer's office notified the applicant again that the \$1,019.00 permit fee must be remitted within 30 days of the letter or application 41074 would be subject to denial. A properly endorsed receipt for the certified notice is on file in the office of the State Engineer.³ To date, no permit fees have been received for application 41074.²

¹ Public record in the office of the State Engineer.

² A check of the records of the office of the State Engineer indicates that no information has been received.

³ See certified mail, return receipt No. P 117 628 269.

CONCLUSIONS

I.

The State Engineer has jurisdiction in this matter under the provisions of NRS 533.325 and 533.435.⁴

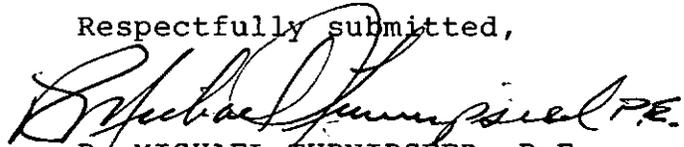
II.

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

RULING

Application 41074 is herewith denied on the grounds that the applicant has failed to submit the permit fees required under the provision of NRS 533.435.

Respectfully submitted,



R. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/MR/pm

Dated this 19th day of
September, 1990

⁴ See NRS chapters 533 and 534.