

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

IN THE MATTER OF THE APPLICATION 45037 )  
FILED TO APPROPRIATE THE PUBLIC WATERS OF )  
AN UNDERGROUND SOURCE IN INDEPENDENCE )  
VALLEY, ELKO COUNTY, NEVADA. )

RULING

GENERAL

I.

Application 45037 was filed on November 10, 1981 by Virginia L. Coates to appropriate 5.4 c.f.s. of water from an underground source for irrigation purposes within the N1/2 Section 36, T.37N., R.64E., M.D.B.&M. The point of diversion is described as being within the NE1/4 NE1/4 Section 36, T.37N., R.64E., M.D.B.&M. Application 45037 became ready for action by the State Engineer's Office on August 8, 1982.<sup>1</sup>

FINDINGS OF FACT

I.

The applicant was notified by letter from the State Engineer's Office dated March 12, 1990 that Application 45037 was ready to be approved and that, in accordance with NRS 533.435, it would be necessary that the sum of \$1,100.00 be remitted to the Division of Water Resources. No fees were submitted as a result of that notice.<sup>2</sup>

II.

By certified letter dated August 29, 1990, the State Engineer's Office notified the applicant again that the \$1,100.00 permit fee must be remitted within 30 days of the letter or Application 45037 would be subject to denial. Properly endorsed receipt for the certified notice is on file in the office of the State Engineer.<sup>3</sup> To date, no permit fees have been received for Application 45037.<sup>2</sup>

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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 448 148 213

CONCLUSIONS

I.

The State Engineer has jurisdiction in this matter under the provisions of NRS 533.325 and 533.435.<sup>4</sup>

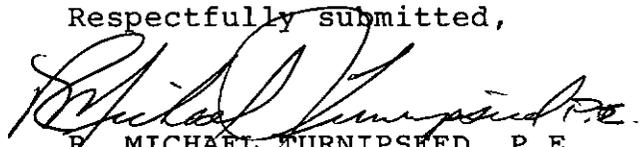
II.

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 45037 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 3rd day of  
December, 1990

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<sup>4</sup> See NRS chapters 533 and 534.