

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

IN THE MATTER OF APPLICATION 52682)
FILED TO APPROPRIATE THE PUBLIC)
WATERS OF AN UNDERGROUND SOURCE IN)
MASON VALLEY, LYON COUNTY, NEVADA.)

RULING
4072

GENERAL

I.

Application 52682 was filed on November 1, 1988, by William H. Pennebaker to appropriate 0.5 c.f.s. of water from an underground source for stockwater and domestic purposes for 500 cattle within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 35, T.14N., R.26E., M.D.B.&M. The point of diversion is located within the same forty acre subdivision. Application 52682 became ready for action by the State Engineer's office on February 19, 1989.¹

FINDINGS OF FACT

I.

The applicant was notified by letter from the State Engineer's office dated April 16, 1993, that Application 52682 was ready to be approved and that, in accordance with NRS 533.435, it would be necessary that the sum of \$50.00 be remitted to the Division of Water Resources.¹ No fees were submitted as a result of that notice.²

II.

By certified letter and non-certified letter dated May 18, 1993, the State Engineer's office notified the applicant again that the \$50.00 permit fee must be remitted within 30 days of the date of the letter or Application 52682 would be subject to denial. Both the certified and non-certified letters were returned to the office of the State Engineer labelled "Not deliverable as addressed unable to forward."³ The State Engineer's office did attempt to

¹ Public record in the office of the State Engineer.

² A check of the record of the office of the State Engineer indicates that no fees have been received.

³ See certified mail Return Receipt No. P 398 484 970.

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locate a current address for the applicant but was unsuccessful.⁴
To date, no permit fees have been received for Application 52682.²

CONCLUSIONS

I.

The State Engineer has jurisdiction in this matter under the provisions of NRS 533.325 and NRS 533.435.⁵

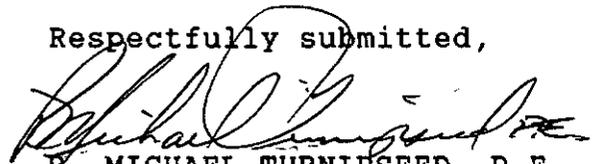
II.

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

RULINGS

Application 52682 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/DJL/pm

Dated this 6th day of
January, 1994.

⁴ See memo dated September 20, 1993, in file 52682.

⁵ NRS Chapters 533 and 534.