

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

IN THE MATTER OF APPLICATION 53218 FILED)
TO CHANGE THE POINT OF DIVERSION AND)
PLACE OF USE OF A PORTION OF THE PUBLIC)
WATERS OF AN UNDERGROUND SOURCE IN THE)
WARM SPRINGS VALLEY GROUNDWATER BASIN,)
WASHOE COUNTY, NEVADA.)

RULING

4073

GENERAL

I.

Application 53218 was filed on May 3, 1989 by Elmer J. Plummer agent for Gerald Demopoulos to change the point of diversion and place of use of a portion of 0.02222 c.f.s. of water from an underground source heretofore appropriated under Permit 30119, Certificate 10589 for irrigation and domestic purposes at the existing place of use within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 4, T.22N., R.21E., M.D.M. The proposed place of use is located within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 7, T.22N., R.21E., M.D.M. The proposed point of diversion is described as being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 7, T.22N., R.21E., M.D.M. The existing point of diversion is described as being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 5, T.22N., R.21E., M.D.M. Application 53218 became ready for action by the State Engineer's office on September 20, 1989.¹

FINDINGS OF FACT

I.

The applicant and agent were notified by letter from the State Engineer's office dated December 7, 1990 that Application 53218 was ready to be approved and that, in accordance with NRS 533.435, it would be necessary that the sum of \$200.00 be remitted to the Division of Water Resources. The notice to applicant Gerald Demopoulos was returned by the U.S. Postal Service labelled "Not Deliverable as Addressed." No fee was submitted as a result of that notice.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.

II.

By certified letter dated June 28, 1991 the State Engineer's office notified the applicant and agent again that the \$200.00 permit fee must be remitted within 30 days of the date of the letter or Application 53218 would be subject to denial. Both notices were returned by the U.S. Postal Service labelled "Forwarding Order Expired." To date, no permit fee has been received for Application 53218.²

III.

By certified letter dated September 24, 1992, the State Engineer's office noticed the applicant and agent at a new address that the \$200.00 permit fee must be remitted or Application 53218 would be subject to denial. Endorsed receipts for the certified notice are on file in the office of the State Engineer.³ To date, no permit fees have been received for Application 53218.²

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 requirement for the submission of the permit fees and has failed to comply with that requirement.

³ See certified mail, return receipt No's. P 668 457 220 and P 668 457 221.

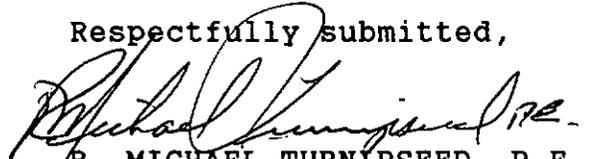
⁴ NRS Chapters 533 and 534.

Ruling
Page 3

RULING

Application 53218 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.