

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

IN THE MATTER OF APPLICATION 48926)
FILED TO APPROPRIATE THE WATERS OF)
AN UNDERGROUND SOURCE WITHIN THE)
CLOVER VALLEY GROUNDWATER BASIN)
(177), ELKO COUNTY, NEVADA.)

RULING

4430

GENERAL

I.

Application 48926 was filed on March 21, 1985, by Jimmie D. Lee to appropriate 1.45 cubic feet per second (cfs) of water from an underground source for irrigation and domestic purposes within a portion of the S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 9, T.34N., R.62E., M.D.B.&M. The point of diversion is described as being located within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 9.¹

FINDINGS OF FACT

I.

The State Engineer notified the applicant by letter dated June 12, 1996, that Application 48926 was ready to be approved, and that in accordance with NRS 533.435 the sum of \$790.00 must be submitted to the Division of Water Resources for issuance of the permit under the application.¹ The letter assigned a 30-day time limit from June 12, 1996, to submit the required fee or the application would be subject to denial. The State Engineer finds that no fees were submitted in response to the notice.

II.

By certified letter dated July 19, 1996, the State Engineer's Office again notified the applicant that the \$790.00 permit fee must be submitted within 30 days and that failure to do so would result in the denial of Application 48926. The endorsed receipt for the certified notice was received in the Office of the State Engineer on July 25, 1996. The State Engineer finds that the applicant was properly notified of the permit fee requirement, no

¹File No. 48926, official records in the Office of the State Engineer.

permit fee has been received, and the time allowed for paying the fee has expired.

CONCLUSIONS

I.

The State Engineer has jurisdiction over the subject matter of this action and determination.²

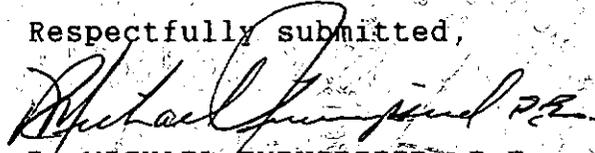
II.

The State Engineer is required by NRS 533.435 to collect a fee for the issuance of a permit. The State Engineer concludes that as the statutory fee was not submitted to the Division of Water Resources the permit cannot be granted.

RULING

Application 48926 is hereby denied on the grounds that the applicant has failed to timely submit the statutory permit fee.

Respectfully submitted,


R. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/MDB/ab

Dated this 12th day of
September, 1996.

²NRS Chapters 533 and 534.