

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

IN THE MATTER OF APPLICATION 62714 )  
FILED TO APPROPRIATE THE WATERS OF AN )  
UNDERGROUND SOURCE WITHIN THE RAWHIDE )  
FLAT GROUNDWATER BASIN (123), )  
CHURCHILL COUNTY, NEVADA. )

RULING

# 4512

GENERAL

I.

Application 62714 was filed on January 7, 1997, by Earth Powers Resources, Inc. to appropriate 5 cubic feet per second (cfs) of water for power (geothermal) purposes within the SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 33, T.16N., R.29E., M.D.B.&M. The proposed point of diversion described as being located within the SE $\frac{1}{4}$  NE $\frac{1}{4}$  of said Section 33.<sup>1</sup>

FINDINGS OF FACT

I.

Application 62714 was submitted to the State Engineer's Office on January 7, 1997, accompanied by check no. 1372 in the amount of \$250.00. After deposit the check was returned for insufficient funds. Pursuant to NRS 533.435, a \$250.00 filing fee must accompany each application to appropriate the public waters of the State of Nevada. The State Engineer finds that the statutory filing fee was not received.

CONCLUSIONS

I.

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

II.

The State Engineer finds that since the check for the filing of Application 62714 was returned by the bank, Application 62714 was not accompanied by the statutory filing fee of \$250.00 and cannot be acted upon.

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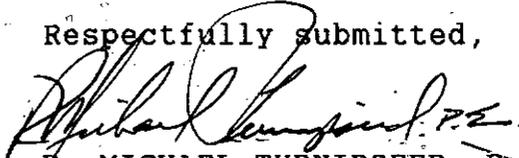
<sup>1</sup>File No. 62714, official records in the Office of the State Engineer.

<sup>2</sup>NRS Chapters 533 and 534.

RULING

Application 62714 is herewith denied on the grounds that the applicant did not submit the application fee as required under the provisions of NRS 533.435.

Respectfully submitted,



R. MICHAEL TURNIPSEED, P.E.  
State Engineer

RMT/MDB/ab

Dated this 11th day of  
March, 1997.