

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

IN THE MATTER OF APPLICATION 52366)
FILED TO CHANGE THE POINT OF)
DIVERSION AND PLACE OF USE OF THE)
WATERS OF GRASSY SPRING, DELAMAR)
VALLEY GROUNDWATER BASIN (182),)
LINCOLN COUNTY, NEVADA.)

RULING

#4558

GENERAL

I.

Application 52366 was filed on August 3, 1988, by H.H. Land and Cattle Company to change the point of diversion and place of use of 0.025 cubic foot per second of water from Grassy Spring for stockwatering and domestic purposes within an extensive place of use generally described as being within various sections contained in T.2S., R.63E. through R.65E., T.3S., R.63E. through R.65E., T.4S., R.63E. through R.65E., T.5S., R.63E. through R.65E. and T.6S., R.63E. through R.65E., M.D.B.&M. The proposed point of diversion is described as being located within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 2, T.5S., R.64E., M.D.B.&M.¹

FINDINGS OF FACT

I.

The State Engineer notified the applicant and its agent by letter dated March 28, 1997, that Application 52366 was ready to be approved and that in accordance with NRS § 533.435 the sum of \$50.00 must be submitted to the Division of Water Resources for issuance of the permit under the application.¹ The letter assigned a 60-day time limit from March 28, 1997, to submit the required fee or the application would be subject to denial. The State Engineer finds that the letter to the agent was returned by the United States Postal Service marked as "Attempted, Not Known".

II.

By certified letter dated May 30, 1997, the State Engineer again notified the applicant and its agent that the \$50.00 permit fee must be submitted within 30 days and that failure to do so

¹ File No. 52366, official records in the office of the State Engineer.

would result in the denial of Application 52366. The receipt for the certified notice to the agent was received in the office of the State Engineer on June 4, 1997. The certified letter to the applicant was returned by the United States Postal Service marked as "Unclaimed". The State Engineer finds that the applicant was properly notified of the permit fee requirement, no permit fee has been received, and the time allowed for paying the fee has expired.

III.

The State Engineer finds that it is the responsibility of the applicant or its successor in interest to keep this office informed of a current mailing address.

CONCLUSIONS

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

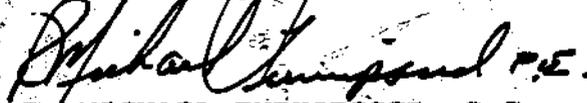
II.

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 52366 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 19th day of
August, 1997.