

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

IN THE MATTER OF APPLICATIONS 49606,)
49607, 49609 AND 49610 FILED TO AP-)
PROPRIATE THE PUBLIC WATERS OF AN)
UNDERGROUND SOURCE WITHIN THE COYOTE)
SPRINGS GROUNDWATER BASIN (210), CLARK)
COUNTY, NEVADA.)

RULING

4596

GENERAL

I.

Application 49606 was filed on December 30, 1985, by Nevada Power Company (NPC), to appropriate 10.0 cubic feet per second (c.f.s.) of underground water for industrial (cooling) purposes within portions of Section 12, 13 and 35 and all of Sections 24, 25 and 36, all within T.17S., R.63E. and portion of Section 7 and all of Sections 18, 19, 30 and 31 all within T.17S., R.64E., and portions of Sections 1 and 2 within T.18S., R.63E., M.D.B.&M. The proposed point of diversion is described as being located within the SE¼ SE¼ of Section 23, T.13S., R.63E., M.D.B.&M.¹

II.

Application 49607 was filed on December 30, 1985 by NPC to appropriate 10.0 c.f.s of underground water for industrial (cooling) purposes within a place of use which is identical to that described under Application 49606. The proposed point of diversion is described as being within the SE¼ SE¼ of Section 23, T.13S., R.63E., M.D.B.&M.²

III.

Application 49609 was filed on December 30, 1985 by NPC to appropriate 10.0 c.f.s. for industrial (cooling) purposes. The proposed place of use is identical to those described under Applications 49606 and 49607. The proposed point of diversion is

¹ File No. 49606, official records in the office of the State Engineer.

² File No. 49607, official records in the office of the State Engineer.

described as being located within the NW¼ NE¼ of Section 26, T.13S., R.63E., M.D.B.&M.³

IV.

Application 49610 was filed on December 30, 1985 by NPC to appropriate 10.0 c.f.s. for industrial (cooling) purposes. The proposed place of use is identical to those described under Applications 49606, 49607 and 49609. The proposed point of diversion is described as being located within the NW¼ NW¼ of Section 25, T.13S., R.63E., M.D.B.&M.⁴

FINDINGS OF FACT

I.

The Office of the State Engineer notified NPC by letter dated September 5, 1997, that under the provisions of NRSS 533.435, it would be necessary for NPC to submit the sum of \$50,750.00 for the issuance of permits under Applications 49606 through 49610. The applicant was further advised that in the event the permit fees were not received within sixty days from the date of said notice, the State Engineer would assume that NPC was no longer interested in the issuance of permits, and the subject applications would be considered for denial. A response to this request for the statutory permit fees was received in the Office of the State Engineer on October 10, 1997. Contained within this response was a request by NPC that the State Engineer stay any effect for payment of fees until December 1, 1997. This would allow additional time for a review of the Public Utilities Commission of Nevada's order on NPC's 1997 Resource Plan.

The State Engineer had knowledge that the Public Utilities Commission's order on NPC 1997 Resource Plan would be issued mid October 1997. Therefore, there appeared to be no need to extend

³ File No. 49609, public records in the office of the State Engineer.

⁴ File No. 49610, public records in the office of the State Engineer.

the deadline for submittal of the statutory permit fees under Applications 49606, 49607, 49608, 49609 and 49610.

II.

By letter dated November 19, 1997, the applicant was again served notice by the Office of the State Engineer that the fees in the amount of \$50,750.00 for Applications 49606 through 49610 must be submitted to said office for the issuance of permits. Again, NPC was cautioned that if the permit fees were not received within 30 days from the date of the notice, all of the subject applications would be considered for denial.

On December 1, 1997, fees in the amount of \$10,150.00 were received in the Office of the State Engineer to cover the statutory permit fees associated with Application 49608. The State Engineer finds that the applicant has been noticed on two separate occasions of the requirement to submit permit fees for Applications 49606, 49607, 49608, 49609 and 49610 and with the exception of Application 49608, has failed to submit the required fees.¹

CONCLUSIONS

I.

The State Engineer has jurisdiction over the subject matter of this action and determination.⁵

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 fees were not submitted under Applications 49606, 49607, 49609 and 49610 to the Office of the State Engineer, these applications can not be granted.

⁵ NRS Chapter 533.

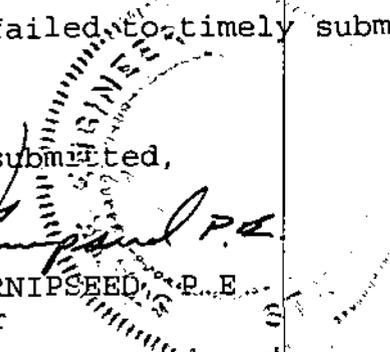
Ruling
Page 4

RULING

Applications 49606, 49607, 49609 and 49610 are hereby denied on the grounds that the applicant has failed to timely submit the statutory permit fees.

Respectfully submitted,


R. MICHAEL TURNIPSEED, P.E.
State Engineer



RMT/MB/jr

Dated this 8th day
of January, 1998.