

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

IN THE MATTER OF APPLICATION 58006 )  
FILED TO APPROPRIATE THE PUBLIC WATERS )  
OF AN UNDERGROUND SOURCE IN THE LOVELOCK )  
VALLEY GROUNDWATER BASIN (073), )  
PERSHING COUNTY, NEVADA. )

RULING  
**# 4655**

GENERAL

I.

Application 58006 was filed on August 26, 1992, by Bingo G. Wesner to appropriate 2.85 cubic feet per second (cfs) of water from an underground source for irrigation purposes within portions of the NW¼ NE¼, SW¼ NE¼, NW¼, NE¼ SW¼, NW¼ SW¼ and SW¼ SW¼, of Section 32, T.28N., R.32E., M.D.B.&M. The proposed point of diversion is described as being located within the SW¼ NW¼ of said Section 32. Application 58006 became ready for action by the State Engineer's office on November 21, 1992.<sup>1</sup>

FINDINGS OF FACT

I.

The applicant and his agent were notified by letter from the State Engineer's office dated January 29, 1998, that Application 58006 and a similar application, Application 58007, were ready to be approved, and that in accordance with NRS § 533.435 it would be necessary that the sum of \$3,066.00 dollars be remitted to the Division of Water Resources.<sup>1</sup> The State Engineer finds that no fees were submitted as a result of that notice.

<sup>1</sup> File No. 58006, official records in the office of the State Engineer.

II.

By correspondence dated March 27, 1998, the applicant requested an extension of time to submit the permit fees for Application 58006.<sup>1</sup>

III.

By certified letter dated May 7, 1998, the Deputy State Engineer notified the applicant and his agent that the State Engineer does not have the authority to grant an extension of time for the payment of permit fees, and that the \$1,686.00 permit fees for Application 58006 must be remitted within 30 days of date of the letter or Application 58006 would be subject to denial. Properly endorsed receipts for the certified letters are on file in the office of the State Engineer.<sup>1</sup> The State Engineer finds that to date no permit fees have been received for Application 58006.

CONCLUSIONS

I.

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

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 to the Division of Water Resources the permit cannot be granted.

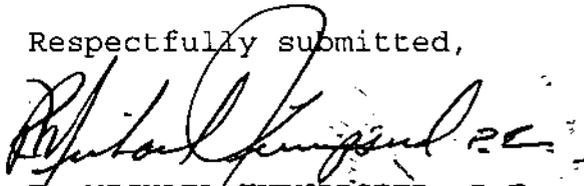
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<sup>2</sup> NRS § Chapters 533 and 534.

**RULING**

Application 58006 is hereby denied on the grounds that the applicant has failed to submit the permit fees required under the provision of NRS § 533.435.

Respectfully submitted,



F. MICHAEL TURNIPSEED, P.E.  
State Engineer

RMT/MDB/cl

Dated this 11th day of  
August, 1998.