

IN THE MATTER OF APPLICATION 37583, )  
TO APPROPRIATE WATER FROM AN UNDER- )  
GROUND SOURCE IN DIXIE VALLEY, )  
CHURCHILL COUNTY, NEVADA )

R U L I N G

1236

FINDINGS OF FACT

I

Application 37583 was filed on April 2, 1979, in the name of Thermal Power Company and Southland Royalty Company to appropriate 5.0 c.f.s. of water from an underground source to be located within the NW $\frac{1}{4}$  SE $\frac{1}{4}$  Section 23, T.23N., R.35E., M.D.B. & M., to be used for industrial purposes. Notice of publication of Application 37583 was mailed to the Fallon Eagle Standard in accordance with NRS 533.360 on July 20, 1979. Application 37583 became ready for action by the State Engineer's office on September 20, 1979.

II

The applicant was notified by letter from the State Engineer's office dated November 19, 1979, that Application 37583 was ready to be approved but that in accordance with NRS 533.435 it would be necessary that the sum of \$50.00 for the issuance of a permit be remitted to the Division of Water Resources. No fees were submitted as a result of that notice, and by subsequent certified letter dated December 24, 1979, the applicant was again advised that the application was ready to be approved, but that it would first be necessary that the sum of \$50.00 for the issuance of the permit be remitted. Said letter further stated that in the event the permit fee was not received within 30 days of the date of that letter, the application would be subject to denial. A properly endorsed receipt for that certified notice is on file in the office of the State Engineer. To the date of this ruling, no permit fees have been received under Application 37583.

CONCLUSIONS

I

The State Engineer has jurisdiction in this matter under the provisions of NRS 533.325 and NRS 533.435.

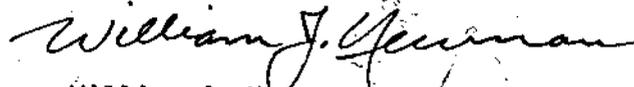
II

The applicant has been properly notified of the requirement for the submission of the statutory permit fees and has failed to comply with that requirement.

RULING

Application 37583 is herewith denied on the grounds that the applicant has failed to submit the permit fee required under the provisions of NRS 533.435.

Respectfully submitted,



William J. Newman  
State Engineer

WJN/BAR/gk

Dated this 25th day

of June, 1980.