

IN THE MATTER OF APPLICATION)
38088 TO APPROPRIATE WATER)
FROM AN UNDERGROUND SOURCE IN) R U L I N G
DIXIE VALLEY, CHURCHILL COUNTY,)
NEVADA.)

FINDINGS OF FACT 128

I

Application 38088 was filed on May 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 located within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 13, T.23N., R.35E., M.D.B.&M. to be used for industrial (geothermal energy) purposes within the same legal subdivision as the point of diversion.

II

Under the provisions of NRS 533.360, notice of application was published. The protest period established under NRS 533.365 ended on December 8, 1979.

III

Notice dated June 5, 1980, was sent to the applicant requesting remittance of the sum of \$50.00 as required under NRS 533.435 for the issuance of a permit. No response to that notice was received.

IV

A certified letter dated July 11, 1980, was sent to the applicant whereby notice was given that in the event the required permit fee was not submitted within thirty days of that letter, the application would be subject to denial. A properly endorsed receipt for said letter was returned to the Division of Water Resources on July 17, 1980. As of the date of this ruling, the required permit fee has not been remitted.

CONCLUSIONS

I

The State Engineer has jurisdiction in this matter in accordance with the provisions of NRS 533.325 through 533.365 and 533.435.

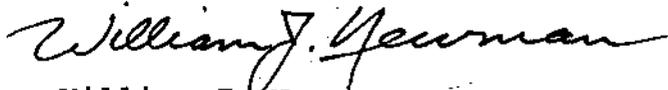
II

Proper notice requesting remittance of the required permit fee has been served on the applicant by certified mail.

RULING

Application 38088 is herewith denied on the grounds that the applicant has failed to comply with the requirements of NRS 533.435 for submission of the fee necessary for the issuance of a permit.

Respectfully submitted,



William J. Newman
State Engineer

WJN:BAR:jw

Dated this 12th day of
November, 1980.