

**IN THE OFFICE OF THE STATE ENGINEER**

IN THE MATTER OF APPLICATION 37878)  
FILED TO APPROPRIATE THE PUBLIC)  
WATERS OF AN UNDERGROUND SOURCE IN)  
KELLEY CREEK AREA, HUMBOLDT)  
COUNTY, NEVADA. )

**RULING**

**GENERAL**

Application 37878 was filed on April 10, 1979, by Kelley Creek Land and Cattle Company to appropriate 2.7 c.f.s. of water from an underground source for irrigation and domestic purposes within the W1/2 W1/2 Section 25, T.37N., R.41E., M.D.B.&M. The point of diversion is described as being within the NW1/4 NW1/4 Section 25, T.37N., R.41E., M.D.B.&M. Application 37878 became ready for action by the State Engineer's office on April 10, 1980.<sup>1</sup>

**FINDINGS OF FACT**

I.

The applicant was notified by letter from the State Engineer's office dated November 13, 1984, that Application 37878 was ready to be approved and that, in accordance with NRS 533.435, it would be necessary that the sum of \$300.00 be remitted to the Division of Water Resources. No fees were submitted as a result of that notice.<sup>1</sup>

II.

By certified letter dated February 20, 1985, the State Engineer's office notified the applicant again that the \$300.00 permit fee must be remitted within 30 days of the date of the letter or Application 37878 would be subject to denial. Properly endorsed receipts for the certified notice are on file in the office of the State Engineer. To date, no permit fees have been received for Application 37878.<sup>1</sup>

**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 requirements for the submission of the permit fees and has failed to comply with that requirement.

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<sup>1</sup> Public record in the office of the State Engineer.

RULING

Application 37878 is herewith denied on the grounds that the applicant has failed to submit the permit fees required under the provisions of NRS 533.435.

Respectfully submitted,



PETER G. MORROS  
State Engineer

PGM/MD/bl

Dated this 14th day of  
August, 1985.