

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATIONS 48106)  
AND 48107 FILED TO APPROPRIATE THE)  
PUBLIC WATERS OF AN UNDERGROUND)  
SOURCE IN INDEPENDENCE VALLEY, ELKO)  
COUNTY, NEVADA. )

RULING

GENERAL

Application 48106 was filed on June 13, 1984, by Flying "S" Land and Cattle Company to appropriate 6.0 c.f.s. of water from an underground source for irrigation purposes within Section 9, S1/2 SW1/4 Section 4, T.36N., R.64E., M.D.B.&M. The point of diversion is described as being within the SE1/4 NW1/4 Section 9, T.36N., R.64E., M.D.B.&M. Application 48106 became ready for action by the State Engineer's office on November 2, 1984.<sup>1</sup>

Application 48107 was filed on June 13, 1984, by Flying "S" Land and Cattle Company to appropriate 6.0 c.f.s. of water from an underground source for irrigation purposes within Section 9, S1/2 SW1/4 Section 4, T.36N., R.64E., M.D.B.&M. The point of diversion is described as being within the SE1/4 SW1/4 Section 9, T.36N., R.64E., M.D.B.&M. Application 48107 became ready for action by the State Engineer's office on November 2, 1984.<sup>1</sup>

FINDINGS OF FACT

I.

The applicant was notified by letter from the State Engineer's office dated August 21, 1985, that Applications 48106 and 48107 were ready to be approved and that, in accordance with NRS 533.435, it would be necessary that the sum of \$1200.00 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 October 24, 1985, the State Engineer's office notified the applicant again that the \$1200.00 permit fee must be remitted within 30 days of the date of the letter or Applications 48106 and 48107 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 Applications 48106 and 48107.<sup>1</sup>

CONCLUSIONS

I.

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

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

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.

**RULING**

Application 48106 and 48107 are 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,

A handwritten signature in black ink, appearing to read "Peter G. Morros", is written over a horizontal line. The signature is stylized and somewhat cursive.

PETER G. MORROS  
State Engineer

PGM/MM/bl

Dated this 7th day of

JANUARY, 1986.