

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATION)
45036 FILED TO APPROPRIATE THE)
PUBLIC WATERS OF AN UNDERGROUND)
SOURCE IN INDEPENDENCE VALLEY)
(PEQUOP VALLEY), ELKO COUNTY,)
NEVADA)

RULING

GENERAL

I.

Application 45036 was filed on November 10, 1981, by John Davis, to appropriate 5.4 c.f.s. of water from an underground source for irrigation purposes within the S $\frac{1}{2}$ Section 22, T.37N., R.64E., M.D.B.&M. The point of diversion is described as being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 22, T.37N., R.64E., M.D.B.&M. Application 45036 became ready for action by the State Engineer's office on August 8, 1982.¹

FINDINGS OF FACT

I.

The applicant was notified by letter from the State Engineer's office dated August 21, 1985, that Application 45036 was ready to be approved and that in accordance with NRS 533.435, it would be necessary that the permit fee of \$600.00 be remitted to the Division of Water Resources. No fees were submitted as a result of that notice.¹

II.

By certified letter dated October 23, 1985, the State Engineer's office notified the applicant again that the \$600.00 permit fee must be remitted within 30 days of the date of the letter or Application 45036 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 45036.¹

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.

¹ Public record in the office of the State Engineer.

RULING

Application 45036 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,

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

Peter G. Morros
State Engineer

PGM/MM/bc

Dated this 28th day of
FEBRUARY, 1986.