

IN THE OFFICE OF THE STATE ENGINEER
OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION 53045)
FILED TO APPROPRIATE THE PUBLIC)
WATERS OF AN UNDERGROUND SOURCE IN)
TRACY SEGMENT GROUNDWATER BASIN,)
WASHOE COUNTY, NEVADA.)

RULING

3903

GENERAL

I.

Application 53045 was filed on March 21, 1989, by Nevada Zinc Inc. to appropriate 0.0155 c.f.s. of water from an underground source for milling and mining purposes within the S1/2, NW1/4 SE1/4 SE1/4 NW1/4, NE1/4 SW1/4 SE1/4 NW1/4 Section 10, T.19N., R.21E. The point of diversion is described as being within the SE1/4 NW1/4 Section 10, T.19N., R.21E., M.D.B.&M. Application 53045 became ready for action by the State Engineer's Office on July 2, 1989.¹

II.

The applicant was notified by letter from the State Engineer's Office dated October 15, 1990, that Application 53045 was ready to be approved and that, in accordance with NRS 533.435, it would be necessary that the sum of \$156.00 be remitted to the Division of Water Resources.¹

III.

Check No. 10862 in the name of Phoenix Zinc, Inc. for \$156.00 was submitted to the State Engineer on November 26, 1990. Application 53045 was permitted by the State Engineer on November 28, 1990.¹

¹ Public record in the office of the State Engineer.

FINDINGS OF FACT

I.

Check No. 10862 was returned to the Division of Water Resources by First Interstate Bank of Nevada, N.A. marked "Not Paid 2 signatures required".¹

II.

By certified letter dated November 14, 1991, the State Engineer's Office notified the applicant that Check No. 10862 had been returned by the bank. The certified letter also notified the applicant that the \$156.00 permit fee must be remitted within 30 days of the date of the letter or Application 53045 would be subject to denial. A properly endorsed receipt for the certified notice is on file in the office of the State Engineer.² The applicant did send a letter received in the State Engineer's Office on November 25, 1991 questioning the whereabouts of the returned check. By telephone on November 26, 1991, the applicant was informed that the check had been returned to the Division of Water Resources and would not be released until an amount of \$156.00 was paid to the Division to replace the returned check. To date, no permit fee has been received for Application 53045.

CONCLUSIONS

I.

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

II.

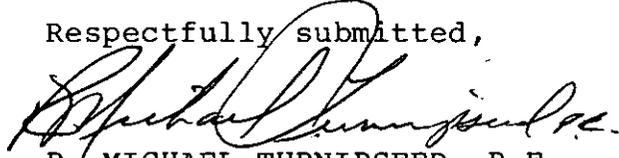
The applicant has been properly notified of the requirements for the submission of the permit fees and has failed to comply with that requirement.

² See certified mail, return Receipt No. P 680 456 827.

RULING

The granting of Permit 53045 is hereby rescinded and Application 53045 is hereby denied, on the grounds that the applicant has failed to submit the permit fee required under the provision of NRS 533.435.

Respectfully submitted,



R. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/DJL/pm

Dated this 29th day of
September, 1992.