

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

IN THE MATTER OF APPLICATIONS 52577)
AND 52578 FILED TO APPROPRIATE THE)
PUBLIC WATERS FROM UNDERGROUND)
SOURCES WITHIN THE PAHRANAGAT)
VALLEY GROUNDWATER BASIN (209),)
LINCOLN COUNTY, NEVADA.)

RULING

4428

GENERAL

I.

Applications 52577 and 52578 were filed on September 30, 1988, by Stewart Brothers to appropriate 4.0 cubic feet per second (cfs) of water each from underground sources for irrigation purposes within portions of Sections 13, 24, 25, 35 and 36, T.3S., R.60E., and within portions of Sections 18 and 19, T.3S., R.61E., M.D.B.&M. The points of diversion are described as being located within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 35, and within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 13, T.3S., R.60E., M.D.B.&M.¹

FINDINGS OF FACT

I.

The State Engineer by letter dated May 8, 1996, notified the applicant that Applications 52577 and 52578 were ready to be approved, and that in accordance with NRS 533.435, the sum of \$6,700.00 must be submitted to the Division of Water Resources for the issuance of permits under the applications. The letter assigned a 30-day time limit from May 8, 1996, to submit the required fee or the applications would be subject to denial.¹

The applicant and its agent were again notified by certified mail dated June 18, 1996, that Applications 52577 and 52578 were ready to be approved, and that in accordance with NRS 533.435, the sum of \$6,700.00 must be submitted to the Division of Water Resources prior to the issuance of any permits. The letter

¹File Nos. 52577 and 52578, official records in the Office of the State Engineer.

assigned an additional 30-day time limit from June 18, 1996, to submit the required fee or the applications would be subject to denial. Endorsed certified mail receipts were received from the addressees on June 28, 1996, and July 1, 1996.¹

The May 8, 1996, and June 18, 1996, letters established that failure to comply with the permit fee requirement within the 30-day time limit would result in denial of the applications. The State Engineer further finds that the applicant was properly notified of the permit fee requirement, no permit fee was received in response to the request, and the time allowed for paying the fee has expired.¹

CONCLUSIONS

I.

The State Engineer has jurisdiction over the subject matter of this action and determination.²

II.

The State Engineer is required by NRS 533.435 to collect a fee for the issuance of a permit. The State Engineer concludes that as the statutory fee was not submitted to the Division of Water Resources the permits cannot be granted.

RULING

Applications 52577 and 52578 are hereby denied on the grounds that the applicant failed to submit the statutory permit fees.

Respectfully submitted,



R. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/DJL/ab

Dated this 10th day of
September, 1996.

²NRS Chapters 533 and 534.