

IN THE MATTER OF APPLICATION 41018 )  
TO APPROPRIATE WATER FROM AN UNDER- ) RULING  
GROUND SOURCE IN DIXIE CREEK-TEN MILE )  
CREEK AREA, ELKO COUNTY, NEVADA )

FINDINGS OF FACT

I

Application 41018 was filed on April 4, 1980, in the name of Robert T. Rosenbaum, Jr. and Darlene C. Rosenbaum to appropriate 0.25 c.f.s. of water from an underground source to be located within the NE $\frac{1}{4}$ , SE $\frac{1}{4}$ , Section 16, T.33N., R.56E., M.D.B.&M., to be used for stockwater and domestic purposes. Notice of publication of Application 41018 was mailed to the Elko Daily Free Press in accordance with NRS 533.360 on June 20, 1980. Application 41018 became ready for action by the State Engineer's office on August 21, 1980.

II

The applicant was notified by letter from the State Engineer's office dated March 4, 1982, that Application 41018 was ready to be approved but that in accordance with NRS 533.435 it would be necessary that the sum of \$50.00 for the issuance of a permit be remitted to this office. A subsequent certified letter dated July 28, 1982, again advised the applicant that the application was ready to be approved, but that it would first be necessary that the sum of \$50.00 for the issuance of the permit be remitted. Said letter further stated that in the event the permit fee was not received within 30 days of the date of that letter, the application would be subject to denial. A properly endorsed receipt for that certified notice is on file in the office of the State Engineer. To the date of this ruling, no permit fees have been received under Application 41018.

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

RULING

Application 41018 is herewith denied on the grounds that the applicant has failed to submit the permit fee required under the provisions of NRS 533.435.

Respectfully submitted,



Peter G. Morros, P.E.  
STATE ENGINEER

DATED this 22nd day  
of SEPTEMBER, 1982.