

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

IN THE MATTER OF APPLICATION 52201 FILED TO)
CHANGE THE POINT OF DIVERSION AND PLACE OF)
USE OF A PORTION OF WATER HERETOFORE)
APPROPRIATED FROM AN UNDERGROUND SOURCE IN)
WARM SPRINGS VALLEY, WASHOE COUNTY, NEVADA.)

RULING

3931

GENERAL

I.

Application 52201 was filed on June 8, 1988, by Dik S. and Betty L. Buxton, Jerry J. and Beverly V. Casale, Richard L. and Gwendolyn D. Furgason, and Ronald E. and Claire H. Murray to change the point of diversion and place of use of 0.08 c.f.s. of water being a portion of Permit 30109, Certificate 10579, from an underground source for irrigation and domestic purposes on two acres in the NW1/4 SE1/4 Section 22, T.22N., R.21E., M.D.B.&M. The new point of diversion is described as being within the NW1/4 SE1/4 Section 22, T.22N., R.21E., M.D.B.&M. Application 52201 became ready for action by the State Engineer's office on September 10, 1988.¹

FINDINGS OF FACT

I.

The applicants were notified by letters from the State Engineer's office dated January 29, 1990, that Application 52201 was ready to be approved and that, in accordance with NRS 533.435, it would be necessary to remit the sum of \$200.00 to the Division of Water Resources. No fees were submitted as a result of those notices.²

II.

The State Engineer's office renotified the applicants, by certified letter, dated November 25, 1992, that the \$200.00 permit fee must be remitted within thirty days of the date on the letter

¹ Public record in the office of the State Engineer.

² A check of the records in the office of the State Engineer revealed that no fees have been received.

or Application 52201 would become subject to denial. The notices were returned by the U.S. Post Office as undeliverable and were subsequently sent by certified mail to corrected addresses on December 2, 1992. Properly endorsed receipts for the certified notices are on file in the office of the State Engineer.³ To date, no permit fees have been received for Application 52201.²

CONCLUSIONS

I.

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

II.

The applicants have been properly notified of the requirement for the remittance of the permit fees and have failed to comply with that requirement.

RULING

Application 52201 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,


R. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/MJA/pm

Dated this 4th day of
February, 1993.

³ See certified mail receipts Nos. P 680 490 916 and P 680 490 917.