

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

IN THE MATTER OF APPLICATION NUMBERS 57670 )  
AND 57671 FILED TO CHANGE THE POINT OF )  
DIVERSION, HERETOFORE APPROPRIATED UNDER )  
PERMIT 31031, CERTIFICATE 10923, AND PERMIT )  
46715, RESPECTIVELY, OF THE PUBLIC WATERS OF )  
AN UNDERGROUND SOURCE IN THE CLOVERS AREA )  
GROUNDWATER BASIN, HUMBOLDT COUNTY, NEVADA. )

RULING  
# 4071

GENERAL

I.

Application 57670 was filed on May 19, 1992 by Valmy Mountain Vistas, Inc.,<sup>1</sup> to change the point of diversion of 0.1114 c.f.s. of water heretofore appropriated under Permit 31031, Certificate 10923 for quasi-municipal purposes. The point of diversion is described as being within the SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 27, T.34N., R.43E., M.D.B.&M. Application 57670 became ready for action by the State Engineer's office on September 20, 1992.

II.

Application 57671 was filed on May 19, 1992 by Valmy Mountain Vistas, Inc.,<sup>2</sup> to change the point of diversion of 1.00 c.f.s. of water heretofore appropriated under Permit 46715 for quasi-municipal purposes. The point of diversion is described as being within the SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 27, T.34N., R.43E., M.D.B.&M. Application 57671 became ready for action by the State Engineer's office on September 20, 1992.

FINDINGS OF FACT

I.

The applicant and his agent were notified by letter from the State Engineer's office dated November 19, 1992,<sup>1</sup> that Applications 57670 and 57671 were ready to be approved and that, in accordance with NRS 533.435, it would be necessary that the sum of \$217.00,

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<sup>1</sup> Public record in the office of the State Engineer under Application 57670.

<sup>2</sup> Public record in the office of the State Engineer under Application 57671.

(\$109.00 and \$108.00 respectively), be remitted to the Division of Water Resources for payment of permit fees. No fees were submitted as a result of that notice.

II.

By certified letter dated January 21, 1993,<sup>1</sup> the State Engineer's office notified the applicant and his agent that the \$217.00 permit fees must be remitted within 30 days of the date of the letter or Applications 57670 and 57671 would be subject to denial. A properly endorsed receipt for the certified notice is on file in the office of the State Engineer. To date, no permit fees have been received for Applications 57670 and 57671.

III.

By certified letter dated February 8, 1993,<sup>1</sup> the State Engineer's office again notified the applicant and his agent that the \$217.00 permit fees must be remitted within 30 days of the date of the letter or Applications 57670 and 57671 would be subject to denial. A properly endorsed receipt for the certified notice is on file in the office of the State Engineer. To date, no permit fees have been received for Applications 57670 and 57671.

CONCLUSIONS

I.

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

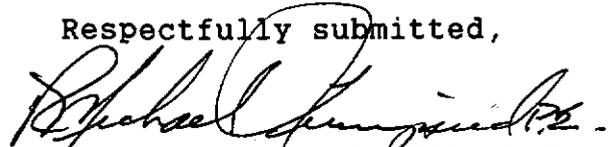
II.

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

RULING

Applications 57670 and 57671 are 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/JLL/pm

Dated this 4th day of  
January, 1994.