

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

IN THE MATTER OF APPLICATION 60027-T FILED)
TO CHANGE THE POINT OF DIVERSION OF AN)
UNDERGROUND SOURCE WITHIN THE SPRING)
VALLEY GROUNDWATER BASIN (184), WHITE PINE)
COUNTY, NEVADA.)

RULING

4331

GENERAL

I.

Application 60027-T was filed on April 29, 1994, by Richard M. Swallow and Vesta C. Swallow to change the point of diversion of 2.70 cubic feet per second (cfs) of water previously appropriated under Permit 31653 for irrigation and domestic purposes within the NE $\frac{1}{4}$ Section 34, T.13N., R.67E., M.D.B.&M.¹ The proposed point of diversion is described as being located within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 26, T.13N., R.67E., M.D.B.&M.

FINDINGS OF FACT

I.

The applicant and applicants' agent were notified by letter from the State Engineer's Office dated January 19, 1996, that Application 60027-T was ready to be approved and that, in accordance with NRS 533.435, it would be necessary that the sum of \$200.00 be remitted to the Division of Water Resources and that if the fees were not received within 30 days the application would be subject to denial.¹ The State Engineer finds that no fees were submitted in response to the notice.

II.

By certified letter dated March 5, 1996, the State Engineer's Office again notified the applicant and applicants' agent that the \$200.00 permit fee must be remitted within 30 days of the date of

¹ File No. 60027-T, official records of the Office of the State Engineer.

the letter, and failure to do so would result in the denial of Application 60027-T. The endorsed receipts for the certified notice were received in the Office of the State Engineer on March 14, 1996 and March 11, 1996.¹ The State Engineer finds that to date no permit fees have been received for Application 60027-T.

III.

The State Engineer finds that the applicants were properly noticed that the permit fee was due, the permit fee was not paid and the time allowed for paying said fee has expired.

CONCLUSIONS

I.

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

II.

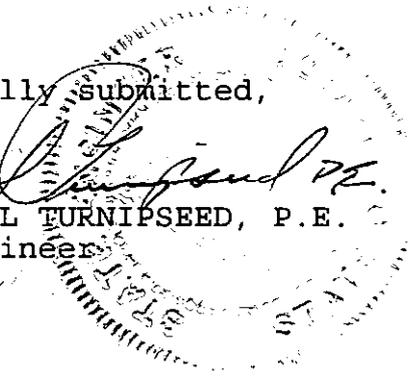
The State Engineer concludes that the applicant was properly notified of the requirements for the submission of the permit fees and failed to comply with that requirement.

RULING

Application 60027-T is herewith denied on the grounds that the applicants have failed to timely submit the permit fees required under the provision of NRS 533.435.

Respectfully submitted,


R. MICHAEL TURNIPSEED, P.E.
State Engineer



RMT/RAD/ab

Dated this 26th day of
APRIL, 1996.

² NRS Chapters 533 and 534.