

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

IN THE MATTER OF APPLICATION 60147)
FILED TO APPROPRIATE THE WATERS OF)
AN UNDERGROUND SOURCE WITHIN THE)
CRESCENT VALLEY GROUNDWATER BASIN)
(54), EUREKA COUNTY, NEVADA.)

RULING
4452

GENERAL

I.

Application 60147 was filed on June 22, 1994, by SS Supply, Inc. to appropriate 2.25 cubic feet per second (cfs) of water for commercial and domestic purposes within portions of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 5, T.31N., R.49E., M.D.B.&M. The proposed point of diversion is described as being located within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 5, T.31N., R.49E., M.D.B.&M.¹

FINDINGS OF FACT

I.

The applicant and its agent were notified by letter from the State Engineer's Office dated January 18, 1996, that Application 60147 was ready to be approved, and that in accordance with NRS 533.435 it would be necessary that the sum of \$155.00 be remitted to the Division of Water Resources for issuance of the permit.¹ The State Engineer finds that no fees were submitted in response to the notice.

II.

By certified letters dated March 7, 1996, and September 9, 1996, the State Engineer's Office again notified the applicant and its agent that the \$155.00 permit fee must be remitted within 30 days of the date of the letter and failure to do so would result in the denial of Application 60147. The endorsed receipt for the September 9, 1996, mailing was received from the applicant in the

¹File No. 60147, official records in the Office of the State Engineer.

Office of the State Engineer on September 20, 1996.¹ The State Engineer finds that to date no permit fees have been received for Application 60147.

III.

The State Engineer finds that the applicant was 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

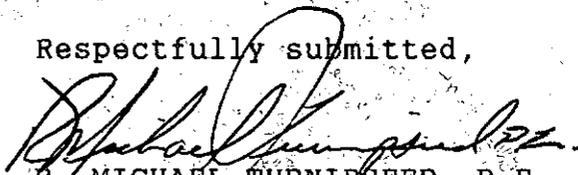
II.

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

RULING

Application 60147 is herewith denied on the grounds that the applicant has 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/MDB/ab

Dated this 1st day of
November, 1996.

²NRS Chapters 533 and 534.