

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

IN THE MATTER OF APPLICATION 61796)
FILED TO APPROPRIATE THE WATERS OF)
AN UNDERGROUND SOURCE WITHIN THE)
SANDY VALLEY GROUNDWATER BASIN)
(163), CLARK COUNTY, NEVADA.)

RULING

4457

GENERAL

I.

Application 61796 was filed on January 10, 1996, by Donald Tracy to appropriate 0.1 cubic foot per second (cfs) of water from an underground source for quasi-municipal purposes within a portion of the W $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 5, T.25S., R.57E., M.D.B.&M. The point of diversion is described as being located within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 5.¹

FINDINGS OF FACT

I.

The State Engineer notified the applicant by letter dated August 23, 1996, that Application 61796 was ready to be approved, and that in accordance with NRS 533.435 the sum of \$155.00 must be submitted to the Division of Water Resources for issuance of the permit under the application.¹ The letter assigned a 30-day time limit from August 23, 1996, to submit the required fee or the application would be subject to denial. The State Engineer finds that no fees were submitted in response to the notice.

II.

By certified letter dated September 26, 1996, the State Engineer's Office again notified the applicant that the \$155.00 permit fee must be submitted within 30 days and that failure to do so would result in the denial of Application 61796. The receipt for the certified notice was received in the Office of the State Engineer on October 3, 1996. The State Engineer finds that the

¹File No. 61796, official records in the Office of the State Engineer.

applicant was properly notified of the permit fee requirement, no permit fee has been received, and the time allowed for paying the fee has expired.

CONCLUSIONS

I.

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

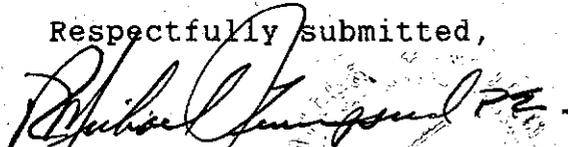
II.

The State Engineer is required by NRS 533.435 to collect a fee for the issuance of a permit. The State Engineer concludes that as the statutory fee was not submitted to the Division of Water Resources the permit cannot be granted.

RULING

Application 61796 is hereby denied on the grounds that the applicant has failed to timely submit the statutory permit fee.

Respectfully submitted,


R. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/MDB/ab

Dated this 26th day of
November, 1996.

²NRS Chapters 533 and 534.