

IN THE OFFICE OF STATE ENGINEER
OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION 45472)
FILED TO APPROPRIATE THE PUBLIC)
WATERS OF AN UNDERGROUND SOURCE)
WITHIN THE BIG SMOKY VALLEY,)
NORTHERN PART HYDROGRAPHIC BASIN)
(137-B), NYE COUNTY, NEVADA.)

RULING

5041

GENERAL

I.

Application 45472 was filed on March 26, 1982, by Larry D. and Caroline J. Fisher to appropriate 0.5 cubic feet per second of water from an underground source for irrigation and domestic purposes within 5.12 acres of land located within the W $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 29, T.11N., R.43E., 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 said Section 29.¹

FINDINGS OF FACT

I.

Under the provisions established under NRS § 533.435, the State Engineer shall collect a specified fee for the issuance of a permit requesting an appropriation of water. The State Engineer finds that before a permit can be issued under Application 45472, the statutory permit fees must be collected.

II.

The applicants and their agent were notified by certified letter dated February 14, 2001, that Application 45472 was ready to be approved. The parties were also noticed of the need to submit the statutory permit fees in the amount of \$171.00, to the office of the State Engineer within thirty days of the date of the letter. Both parties were also cautioned that a failure to submit

¹ File No. 45472, official records in the office of the State Engineer.

the requested fees in a timely manner would result in Application 45472 being subject to denial. Properly endorsed receipts for the certified mailings were received, but an examination of the application file performed after the thirty-day filing period indicates that the required permit fees have never been submitted. The State Engineer finds that the statutory filing fees required for the issuance of Permit 45472 have not been collected and that said application is subject to denial.

CONCLUSIONS

I.

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

II.

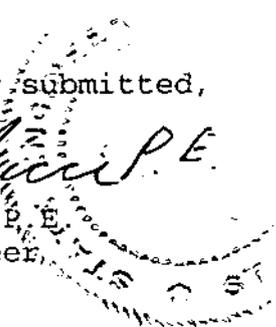
The State Engineer is required by NRS § 533.435 to collect a fee for the issuance of a permit. The State Engineer concludes that as the statutory fees were not submitted to the Division of Water Resources a permit cannot be granted under Application 45472.

RULING

Application 45472 is hereby denied on the grounds that the applicants have failed to submit the permit fees required under the provision of NRS § 533.435.

Respectfully submitted,


HUGH RICCI, P.E.
State Engineer



HR/MDB/d1

Dated this 19th day of
June, 2001.

² NRS chapters 533 and 534.