

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATION 36830)
FILED TO APPROPRIATE THE PUBLIC)
WATERS OF AN UNDERGROUND SOURCE IN)
RUBY VALLEY, ELKO COUNTY, NEVADA.)

RULING

GENERAL

Application 36830 was filed on February 20, 1979, by Guy L. and Amolee Weatherly to appropriate 10.8 c.f.s. of water from an underground source for irrigation and domestic purposes within Sections 4 and 5, T.30N., R.59E., M.D.B.&M; S1/2, N1/2 SE1/4 Section 32; W1/2 SW1/4 and SE1/4 SW1/4 Section 33, T.31N., R.59E., M.D.B.&M. The point of diversion is described as being within Lot 2 Section 5, T.30N., R.59E., M.D.B.&M. Application 36830 became ready for action by the State Engineer's office on October 1, 1979.¹

FINDINGS OF FACT

I.

The applicants were notified by letter from the State Engineer's office dated January 30, 1985, that Application 36830 was ready to be approved and that, in accordance with NRS 533.435, it would be necessary that the sum of \$1100.00 be remitted to the Division of Water Resources. No fees were submitted as a result of that notice.¹

II.

By certified letter dated April 15, 1985, the State Engineer's office notified the applicants again that the \$1100.00 permit fee must be remitted within 30 days of the date of the letter or Application 36830 would be subject to denial. Properly endorsed receipts for the certified notice are on file in the office of the State Engineer. To date, no permit fees have been received for Application 36830.¹

CONCLUSIONS

I.

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

II.

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

¹ Public record in the office of the State Engineer.

RULING

Application 36830 is herewith denied on the grounds that the applicants have failed to submit the permit fees required under the provisions of NRS 533.435.

Respectfully submitted,



PETER G. MORROS
State Engineer

PGM/MD/bl

Dated this 14th day of
November, 1985.