

**IN THE OFFICE OF THE STATE ENGINEER**

IN THE MATTER OF APPLICATION 49090)  
FILED TO APPROPRIATE THE PUBLIC)  
WATERS OF AN UNDERGROUND SOURCE IN)  
PIUTE VALLEY, CLARK COUNTY, NEVADA. )

**RULING**

**GENERAL**

Application 49090 was filed on May 28, 1985, by Cyton Industries Incorporated to appropriate 0.15 c.f.s. of water from an underground source for mining purposes within the SE1/4 NE1/4 Section 3, T.29S., R.63E., M.D.B.&M. The point of diversion is described as being within the SE1/4 NE1/4 Section 3, T.29S., R.63E., M.D.B.&M. Application 49090 became ready for action by the State Engineer's office on August 15, 1985.<sup>1</sup>

**FINDINGS OF FACT**

I.

The applicant was notified by letter from the State Engineer's office dated October 29, 1986, that Application 49090 was ready to be approved and that, in accordance with NRS 533.435, it would be necessary that the sum of \$100.00 be remitted to the Division of Water Resources. No fees were submitted as a result of that notice.<sup>1</sup>

II.

By certified letter dated June 22, 1987, the State Engineer's office notified the applicant again that the \$100.00 permit fee must be remitted within 30 days of the date of the letter or Application 49090 would be subject to denial. A properly endorsed receipt for the certified notice was received from Ben Sweet and is on file in the office of the State Engineer. The receipt for the certified notice to Cyton Industries Incorporated was returned to sender by the post office and is on file in the office of the State Engineer. To date, no permit fees have been received for Application 49090.<sup>1</sup>

**CONCLUSIONS**

I.

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

II.

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

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<sup>1</sup> Public record in the office of the State Engineer.

RULING

Application 49090 is herewith denied on the grounds that the applicant has failed to submit the permit fees required under the provisions of NRS 533.435.

Respectfully submitted,



PETER G. MORROS  
State Engineer

PGM/DL/bl

Dated this 16th day of  
October, 1987.