

IN THE MATTER OF APPLICATION 26517)
FILED BY IRENE BERG ZAVAL TO)
APPROPRIATE WATER FROM AN UNDERGROUND)
SOURCE IN NYE COUNTY, NEVADA)

R U L I N G

GENERAL:

Application 26517 was filed by Irene Berg Zaval on February 4, 1972, for permission to appropriate 14.0 c.f.s. of water from an underground source at a point located within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 6, T.11N., R.43E., M.D.B.& M. The place of use is described as being 840 acres within the S $\frac{1}{2}$ S $\frac{1}{2}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, and NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 5; SE $\frac{1}{4}$ Sec. 6; E $\frac{1}{2}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 7; N $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, and NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 8, T.11N., R. 43E., M.D.B.&M. This application was ready for action on July 31, 1972.

Application 26517 was processed for the issuance of a permit, and it was found that there are appurtenant to portions of the proposed place of use the following permits or proofs under the names indicated.

Permit 5909 of record in the name of W. H. Berg; Permit 6366 of record in the name of W. H. Berg; Permit 15272 of record in the name of Kenneth Ward Berg; Permit 13612 of record in the name of Kenneth Ward Berg; Proofs 0706, 01457, 01528 of record in the name of W. H. Berg.

The applicant was notified by a certified letter of August 7, 1972 that it would be required that documents be submitted assigning all water rights into common ownership. A letter was subsequently received on August 29, 1972 from the applicant requesting additional time within which to file the required documents. By certified letter of September 6, 1972 the applicant was notified that an additional period of 30 days would be allowed for the filing of documents completing title to the land. No such documents have been received in this office.

A notice requesting permit fees of \$47.00 for Application 26517 was mailed to Irene Berg Zaval on October 30, 1972. A second notice was mailed to the applicant by certified mail on December 1, 1972, and a return receipt card signed by Irene Berg Zaval was received in this office on December 4, 1972. No reply has been received to these notices.

RULING

Application 26517 is herewith denied on the grounds that the applicant failed to submit the required permit fees in accordance with NRS 533.435.

Respectfully submitted,


Roland D. Westergard
State Engineer

RDW:BAR:bs

Dated this 15th day
of January, 1973.