

IN THE MATTER OF APPLICATION 38710)
TO APPROPRIATE WATER FROM AN UNDERGROUND)
SOURCE IN MESQUITE VALLEY, CLARK COUNTY,)
NEVADA)

RULING

FINDINGS OF FACT

163

I

Application 38710 was filed on July 30, 1979, in the name of Glen Stobaugh to appropriate 0.006 c.f.s. of water from an underground source to be located within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 36, T.24S., R.56E., M.D.B. & M. to be used for quasi-municipal (domestic) purposes within the W $\frac{1}{2}$ W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 36. The notice of application was published in accordance with NRS 533.360, and the period for protest provided under NRS 533.365 expired on July 10, 1980, at which time the application became ready for action by the State Engineer's office. No protests to the granting of a permit under Application 38710 were filed.

II

A written notice dated December 5, 1980, was sent to applicant Glen Stobaugh, with a copy to agent Ben G. Sweet, advising that the Division of Water Resources was ready to approve Application 38710, but that in accordance with NRS 533.435 it would be necessary that the sum of \$10.00 be submitted for the issuance of a permit. No response to that notice was received.

A second notice of the requirement for filing a \$10.00 permit fee was given by a certified letter to applicant Stobaugh and to agent Sweet, which further advised that in the event the necessary fee was not received within thirty (30) days of the date of that letter, it would be necessary that the application be denied. Properly endorsed receipts for that certified letter were returned to the Division of Water Resources from both applicant and agent. As of the date of this Ruling, no response to that letter has been received.

CONCLUSIONS

I

The State Engineer has authority in this matter under the provisions of NRS 533.325 through 533.370 inclusive and NRS 533.435.

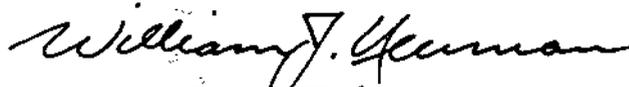
II

Proper notice of the requirement for the remission of the required permit fee was given to both the applicant and the agent for the applicant.

RULING

Application 38710 is hereby denied on the grounds that the applicant has failed to submit the necessary fees for the issuance of a permit as required under provisions of NRS 533.370 and NRS 533.435.

Respectfully submitted,



William J. Newman
State Engineer

Dated this 13th day
of March, 1981

WJN/BAR/js