

IN THE MATTER OF APPLICATION 40867)
TO APPROPRIATE WATER FROM AN.)
UNDERGROUND SOURCE IN SMOKE CREEK)
DESERT, WASHOE COUNTY, NEVADA)

R U L I N G

FINDINGS OF FACT

I

Application 40867 was filed on March 11, 1980, in the name of Albert C. Raney III to appropriate 2.8 c.f.s. of water from an underground source to be located within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 9, T.30N., R.19E., M.D.B.& M., to be used for irrigation purposes. Notice of publication of Application 40867 was mailed to the Reno Evening Gazette in accordance with NRS 533.360 on September 29, 1980. Application 40867 became ready for action by the State Engineer's office on December 6, 1980.

II

The applicant was notified by letter from the State Engineer's office dated July 24, 1981, that Application 40867 was ready to be approved but that in accordance with NRS 533.435 it would be necessary that the sum of \$300.00 for the issuance of a permit be remitted to the Division of Water Resources. No fees were submitted as a result of that notice, and by subsequent certified letter dated December 3, 1981, the applicant was again advised that the application was ready to be approved, but that it would first be necessary that the sum of \$300.00 for the issuance of the permit be remitted. Said letter further stated that in the event the permit fee was not received within 30 days of the date of that letter, the application would be subject to denial. A properly endorsed receipt for that certified notice is on file in the office of the State Engineer. To the date of this ruling, no permit fees have been received under Application 40867.

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 requirement for the submission of the statutory permit fees and has failed to comply with that requirement.

RULING

Application 40867 is herewith denied on the grounds that the applicant has failed to submit the permit fee required under the provisions of NRS 533.435.

Respectfully submitted,



Peter G. Morros
State Engineer

PGM/AJV/dh

Dated this 21st day

of January 1982.