

IN THE MATTER OF APPLICATION 37241, )  
TO APPROPRIATE WATER FROM AN )  
UNDERGROUND SOURCE IN RUBY VALLEY, )  
ELKO COUNTY, NEVADA )

R U L I N G

FINDINGS OF FACT

I.

Application 37241 was filed by Edwin M. Santiago, Lilian G. Saucedo and Virginia G. Salas on March 27, 1979, to appropriate 8.0 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the SW $\frac{1}{4}$  SW $\frac{1}{4}$  Section 31, T. 33 N, R. 61 E, M.D.B. & M., and the place of use is 960 acres within the S $\frac{1}{2}$  Section 30, and all of Section 31, T. 33 N, R. 61 E, M.D.B. & M.

II.

No protests were filed to the granting of this application.

III.

On August 11, 1983, a letter was sent to Edwin M. Santiago, Lilian G. Saucedo, and Virginia G. Salas, 16723 Sequoia Street, Hesperia, California 92345, indicating that Application 37241 was ready for approval by the State Engineer and requested permit fees in the amount of Eight Hundred Dollars (\$800.00) as required by NRS 533.435.

IV.

On September 13, 1983, Check No. 544 in the amount of Two Hundred Sixty-seven Dollars (\$267.00), Check No. 222 in the amount of Two Hundred Sixty-seven Dollars (\$267.00), and Check No. 6199 in the amount of Two Hundred Sixty-eight Dollars (\$268.00) were received in this office for the payment of permit fees for Application 37241. The checks were subsequently deposited by the State Engineer and preparation of a permit under Application 37241 was initiated.

V.

An advice letter from First Interstate Bank, Carson City, dated September 28, 1983 was received by the State Engineer, stating that Check No. 544 in the amount of Two Hundred Sixty-seven Dollars (\$267.00) was being returned to the State Engineer. The advice letter indicated that Check No. 544 had been refused and marked, "Refer to Maker." 1/

CONCLUSION

I.

The State Engineer has jurisdiction of the parties and the subject matter of this application. 2/

II.

The applicants under Application 37241 have failed to submit sufficient permit fees in compliance with NRS 533.435.

RULING

Application 37241 is hereby denied on the grounds that the applicants have failed to submit the statutory permit fees as required in compliance with NRS 533.435.

Respectfully submitted,



PETER G. MORROS,  
State Engineer

PGM/SF\*jm

DATED: This 2nd day of  
April, 1984.

FOOTNOTES

1. Public records of the State Engineer. See Application 37241.
2. NRS 533.025 and 533.030, subsection 1.