

IN THE MATTER OF APPLICATION 35434)
FILED TO APPROPRIATE THE PUBLIC)
WATERS OF AN UNDERGROUND SOURCE IN)
LOWER MEADOW VALLEY WASH, LINCOLN)
COUNTY, NEVADA.)

RULING

FINDINGS OF FACT

I.

Application 35434 was filed on May 15, 1978, in the name of James W. Moss to appropriate 2.67 c.f.s. of water from an underground source to be located within the NW1/4 NW1/4 Section 25, T.12S., R.65E., M.D.B.&M., to be used for irrigation and domestic purposes. Notice of publication of Application 35434 was mailed to the Lincoln County Record in accordance with NRS 533.360 on August 2, 1978. Application 35434 became ready for action by the State Engineer's office on October 6, 1978.

II.

The applicant was notified by letter from the State Engineer's office dated November 16, 1982, that Application 35434 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 February 23, 1984, the owner of the property to which Application 35434 is appurtenant was 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. 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 35434.

CONCLUSIONS

I.

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

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RULING

Application 35434 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/GB/bl

Dated this 6th day of
APRIL, 1984.