

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATIONS 32944 )  
AND 32945 FILED TO APPROPRIATE THE )  
PUBLIC WATERS OF AN UNDERGROUND )  
SOURCE IN PARADISE VALLEY, HUMBOLDT )  
COUNTY, NEVADA. )

RULING

FINDINGS OF FACT

I.

Application 32944 was filed on July 28, 1977, by Kenneth R. Buckingham to appropriate 7.0 c.f.s. of water from an underground source for irrigation and domestic purposes on 120 acres of land within the SW1/4 SW1/4 Section 5 and the W1/2 NW1/4 Section 8, T.42N., R.40E., M.D.B.&M. The point of diversion is described as being within the SW1/4 SW1/4 Section 5, T.42N., R.40E., M.D.B.&M. Application 32944 became ready for action by the State Engineer's office on January 12, 1978.<sup>1</sup>

Application 32945 was filed on July 28, 1977, by Kenneth R. Buckingham to appropriate 8.0 c.f.s. of water from an underground source for irrigation and domestic purposes on 740 acres of land within the SE1/4 NW1/4, E1/2 NE1/4 SW1/4, S1/2 NE1/4, SE1/4 Section 25 and the NE1/4 Section 36, T.42N., R.39E., M.D.B.&M.; SW1/4 NW1/4, W1/2 SW1/4 Section 30, NW1/4 Section 31, T.42N., R.40E., M.D.B.&M. The point of diversion is described as being within the SE1/4 NW1/4 Section 25, T.42N., R.39E., M.D.B.&M. Application 32945 became ready for action by the State Engineer's office on May 20, 1978.<sup>1</sup>

II.

The applicant was notified by letter from the State Engineer's office dated December 14, 1983, that Applications 32944 and 32945 were ready to be approved and that in accordance with NRS 533.435, it would be necessary that the sum of \$1,500.00 for the issuance of the permits be remitted to the Division of Water Resources. No fees were submitted as a result of that notice and by subsequent certified letter dated April 30, 1984, the applicant was again advised that the applications were ready to be approved and that it would first be necessary that \$1,500.00 be remitted for the issuance of the permits. Said letter further stated that in the event the permit fees were not received within 30 days from the date of that letter, the applications 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 Applications 32944 and 32945.

-----  
<sup>1</sup> Public record in the office of the State Engineer.

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

RULING

Applications 32944 and 32945 are 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/SW/bl

Dated this 20th day of

SEPTEMBER, 1984.