

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATIONS 45034)
AND 45035 FILED TO APPROPRIATE THE)
PUBLIC WATERS OF AN UNDERGROUND)
SOURCE IN INDEPENDENCE VALLEY)
(PEQUOP VALLEY), ELKO COUNTY,))
NEVADA.)

RULING

GENERAL

Application 45034 was filed on November 10, 1981, by Irma I. Olds to appropriate 5.4 c.f.s. of water from an underground source for irrigation purposes within the S1/2 Section 36, T.37N., R.64E., M.D.B.&M. The point of diversion is described as being within the NE1/4 SE1/4 Section 36, T.37N., R.64E., M.D.B.&M. Application 45034 became ready for action by the State Engineer's office on August 8, 1982.¹

Application 45035 was filed on November 10, 1981, by Irma I. Olds to appropriate 5.4 c.f.s. of water from an underground source for irrigation purposes within the N1/2 Section 22, T.37N., R.64E., M.D.B.&M. The point of diversion is described as being within the NE1/4 NE1/4 Section 22, T.37N., R.64E., M.D.B.&M. Application 45035 became ready for action by the State Engineer's office on August 8, 1982.¹

FINDINGS OF FACT

I.

The applicant was notified by letter from the State Engineer's office dated August 21, 1985, that Applications 45034 and 45035 were ready to be approved and that, in accordance with NRS 533.435, it would be necessary that the sum of \$1200.00 be remitted to the Division of Water Resources. No fees were submitted as a result of that notice.¹

II.

By certified letter dated October 25, 1985, the State Engineer's office notified the applicant again that the \$1200.00 permit fee must be remitted within 30 days of the date of the letter or Applications 45034 and 45035 would be subject to denial. A properly endorsed receipt for the certified notice is on file in the office of the State Engineer. To date, no permit fees have been received for Applications 45034 and 45035.¹

CONCLUSIONS

I.

The State Engineer has jurisdiction in this matter under the provisions of NRS 533.325 and NRS 533.435.

¹ Public record in the office of the State Engineer.

II.

The applicant has been properly notified of the requirements for the submission of the permit fees and has failed to comply with that requirement.

RULING

Applications 45034 and 45035 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/MM/bl

Dated this 20th day of
February, 1987.