

**IN THE OFFICE OF THE STATE ENGINEER**

IN THE MATTER OF APPLICATION 48559)  
FILED TO APPROPRIATE THE PUBLIC)  
WATERS OF AN UNDERGROUND SOURCE IN)  
THE DIXIE CREEK - TENMILE CREEK AREA,) )  
ELKO COUNTY, NEVADA.

**RULING**

**GENERAL**

Application 48559 was filed on November 21, 1984, by Arco Oil and Gas Company, a Division of Atlantic-Richfield Co., to appropriate 1.0 c.f.s. of water from an underground source for industrial purposes within the SE1/4 SE1/4 Section 28, T.31N., R.54E., M.D.B.&M. The point of diversion is described as being within the SE1/4 SE1/4 Section 28, T.31N., R.54E., M.D.B.&M. Application 48559 became ready for action by the State Engineer's office on March 17, 1985.<sup>1</sup>

**FINDINGS OF FACT**

I.

The applicant was notified by letter from the State Engineer's office dated April 10, 1985, that Application 48559 was ready to be approved and that, in accordance with NRS 533.435, it would be necessary that the sum of \$100.00 be remitted to the Division of Water Resources. No fees were submitted as a result of that notice.<sup>1</sup>

II.

By certified letter dated May 1, 1987, the State Engineer's office notified the applicant again that the \$100.00 permit fee must be remitted within 30 days of the date of the letter or Application 48559 would be subject to denial. A properly endorsed receipt for the certified notice is on file in the office of the State Engineer. The agent was notified by certified mail dated May 1, 1987, and the letter was returned to the Division of Water Resources marked "attempted - not known". The letter was resent regular mail on May 11, 1987, and was returned again marked "attempted - not known". To date, no permit fees have been received for Application 48559.<sup>1</sup>

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

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

RULING

Application 48559 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,

A handwritten signature in black ink, appearing to read "Peter G. Morros", is written over a horizontal line. The signature is enclosed within a large, hand-drawn oval.

PETER G. MORROS  
State Engineer

PGM/MM/bl

Dated this 11th day of

August, 1987.