

IN THE OFFICE OF THE STATE ENGINEER  
IN THE STATE OF NEVADA

IN THE MATTER OF THE APPLICATION 48370)  
FILED TO APPROPRIATE THE PUBLIC WATERS)  
OF AN UNDERGROUND SOURCE IN DIXIE )  
VALLEY, PERSHING COUNTY, NEVADA. )

RULING

GENERAL

I.

Application 48370 was filed on September 6, 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 Government Lot 2 Section 4 T.25N., R.39E., M.D.B.&M. The point of diversion is described as being within Government Lot 2 Section 4, T.25N., R.39E., M.D.B.&M. Application 48370 became ready for action by the State Engineer's office on March 15, 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 48370 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>2</sup>

II.

By certified letter dated August 28, 1990, the State Engineer's office notified the applicant again that the \$163.00 permit fee must be remitted within 30 days of the letter or Application 48370 would be subject to denial. Properly endorsed receipts for the certified notice are on file in the office of the State Engineer.<sup>3</sup> To date, no permit fees have been received for Application 48370.<sup>2</sup>

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

<sup>2</sup> A check of the records of the office of the State Engineer indicates that no information has been received.

<sup>3</sup> See certified mail, return receipt No. P 448 148 207 in file 48370.

CONCLUSIONS

I.

The State Engineer has jurisdiction in this matter under the provisions of NRS 533.325 and 533.435.<sup>4</sup>

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

Application 48370 is herewith denied on the grounds that the applicant has failed to submit the permit fees required under the provision of NRS 533.435.

Respectfully submitted,

  
R. MICHAEL TURNIPSEED, P.E.  
State Engineer

RMT/MR/pm

Dated this 19th day of  
December, 1990

-----  
<sup>4</sup> See NRS chapters 533 and 534.