

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

IN THE MATTER OF APPLICATION )  
56761 FILED TO CHANGE THE POINT )  
OF DIVERSION AND PLACE OF USE OF )  
PUBLIC WATERS OF AN UNDERGROUND )  
SOURCE IN PATTERSON VALLEY, )  
LINCOLN COUNTY, NEVADA. )

RULING

# 4147

GENERAL

I.

Application 56761 was filed on September 20, 1991, by William H. Brown to change the point of diversion and place of use of 5.0 c.f.s. of water from an underground source heretofore appropriated under Permit 48168 for irrigation purposes within the NW $\frac{1}{4}$  SE $\frac{1}{4}$  and SW $\frac{1}{4}$  SE $\frac{1}{4}$  Section 11; NW $\frac{1}{4}$  NE $\frac{1}{4}$  and the SW $\frac{1}{4}$  NE $\frac{1}{4}$  Section 14, T.1N., R.67E., M.D.B.&M. The proposed point of diversion is described as being within the SW $\frac{1}{4}$  SE $\frac{1}{4}$  Section 11, T.1N., R.67E., M.D.B.&M.<sup>1</sup>

FINDINGS OF FACT

I.

The applicant and agent were notified by letter from the State Engineer's office dated June 9, 1994, that Application 56761 was ready to be approved and that, in accordance with NRS 533.435, it would be necessary that the sum of \$200.00 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 July 14, 1994, the State Engineer's office notified the applicant and agent again that the \$200.00 permit fee must be remitted within 30 days of the date of the letter or Application 56761 would be subject to denial. Properly endorsed receipts for the certified notice are on file in the

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<sup>1</sup> File No. 56761, official record in the office of the State Engineer.

office of the State Engineer.<sup>2</sup> To date, no permit fees have been received for Application 56761.<sup>1</sup>

CONCLUSIONS

I.

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

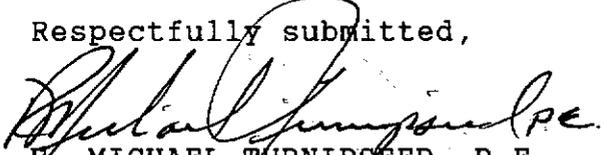
II.

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

RULINGS

Application 56761 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,

  
E. MICHAEL TURNIPSEED, P.E.  
State Engineer

RMT/KJ/pm

Dated this 18th day of  
October, 1994.

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