

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

IN THE MATTER OF APPLICATION 58110 FILED)
TO APPROPRIATE THE PUBLIC WATERS OF AN)
UNDERGROUND SOURCE WITHIN THE DIXIE)
VALLEY GROUNDWATER BASIN (128),)
CHURCHILL COUNTY, NEVADA.)

RULING

4289

GENERAL

I.

Application 58110 was filed on September 22, 1992, by the United States of America - USDI Bureau of Land Management to appropriate 0.0165 cubic feet per second (cfs) of water from an underground source for stockwater and wildlife purposes within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 31, T.23N., R.40E., M.D.B.&M.¹ The point of diversion is described as being located within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 31. Application 58110 became ready for action by the State Engineer's Office on December 17, 1992.

FINDINGS OF FACT

I.

The applicant was notified by letter from the State Engineer's Office dated November 3, 1994, that Application 58110 was ready to be approved and that, in accordance with NRS 533.435, it would be necessary that the sum of \$50.00 be remitted to the Division of Water Resources.¹ The State Engineer finds that no fees were submitted in response to the notice.

II.

By certified letter dated December 21, 1994, the State Engineer's Office again notified the applicant that the \$50.00 permit fee must be remitted within 30 days of the date of the letter, and failure to do so would result in the denial of Application 58110. The endorsed receipt for the certified notice was received in the Office of the State Engineer on December 23,

¹ File No. 58110, official records of the Office of the State Engineer.

1994.¹ The State Engineer finds that to date no permit fees have been received for Application 58110.

III.

The State Engineer finds that the applicant was properly noticed that the permit fee was due and that the permit fee was not paid and the time allowed for paying said fee has expired.

CONCLUSIONS

I.

The State Engineer has jurisdiction over the subject matter of this action and determination.²

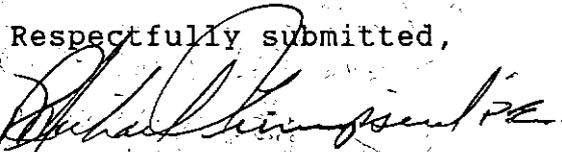
II.

The State Engineer concludes the applicant was properly notified of the requirements for the submission of the permit fees and failed to comply with that requirement.

RULING

Application 58110 is herewith denied on the grounds that the applicant has failed to timely submit the permit fees required under the provision of NRS 533.435.

Respectfully submitted,


R. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/BEM/ab

Dated this 29th day of
January, 1996.

² NRS Chapters 533 and 534.