

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

IN THE MATTER OF APPLICATIONS )  
37148 AND 37149 FILED TO )  
APPROPRIATE THE PUBLIC WATERS OF )  
AN UNDERGROUND SOURCE WITHIN THE )  
HUNTINGTON VALLEY GROUNDWATER )  
BASIN (47), ELKO COUNTY, NEVADA, )

RULING

# 4409

GENERAL

I.

Applications 37148 and 37149 were filed on March 23, 1979, by George Jimison and Margret Jimison, respectively, to each appropriate 6.0 cubic feet per second (cfs) of water from an underground source for irrigation and domestic purposes within Section 12, T.29N., R.55E., M.D.B.&M. The point of diversion was described as being located within the NW $\frac{1}{4}$ NW $\frac{1}{4}$  and NW $\frac{1}{4}$  SW $\frac{1}{4}$  of said Section 12, respectively. Applications 37148 and 37149 became ready for action by the State Engineer's Office on October 19 and October 7, 1989, respectively.

FINDINGS OF FACT

I.

In a letter dated March 22, 1995, Katherine O. Jimison and High Desert Engineering, acting representatives of applicants George and Margret Jimison, were notified that Applications 37148 and 37149 were ready to be approved, contingent upon the submission of the permit fees.<sup>1</sup> In accordance with NRS 533.435, the letter requested the applicant or his representative submit the sum of \$2070.00 per application for issuing the permits. The letter further advised the applicant and his representatives that the applications would be subject to denial if the fee was not received by the Office of the State Engineer within 30 days of the notice.

<sup>1</sup> File Nos. 37148 and 37149, official records of the Office of the State Engineer.

Fees for Applications 37147 and 37150 were also requested, however, these applications were later withdrawn. The State Engineer finds that no fees were submitted in response to the notice.

II.

By certified letter dated April 26, 1995, to applicants George and Margret Jimison and representatives, Rick and Kathy Jimison, the State Engineer's Office again requested submission of the permit fees.<sup>1</sup> The letter assigned a 30 day time limited from the date of the letter to submit the fee or withdraw the applications. The letter additionally discusses an ownership disparity between the Desert Land Entry and the water rights within Section 12. Fees were also requested for Applications 37147 and 37150, however, these applications were later withdrawn. The endorsed receipts for the certified notices were received in the Office of the State Engineer on May 5 and May 10, 1995. The State Engineer finds that the applicants were properly noticed and that no permit fees were submitted for Applications 37148 and 37149.

III.

On August 4, 1995, the Office of the State Engineer received correspondence from representatives Rick and Kathy Jimison wherein they indicated that costs to develop the water would be prohibitive and requested relinquishment of their pending applications. The State Engineer finds that representatives of the applicants have indicated no intent to further pursue the permitting of Applications 37148 and 37149.

CONCLUSIONS

I.

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

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<sup>1</sup> NRS Chapters 533 and 534.

II.

The State Engineer is required to collect a fee for the issuance of a permit.<sup>3</sup>

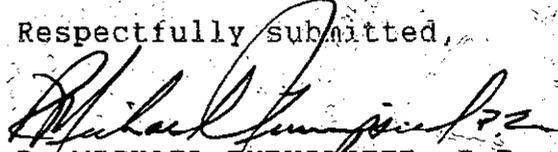
III.

The State Engineer concludes the applicant was properly notified of the requirements for the submission of the permit fees and failed to comply with the requirement. The State Engineer further concludes that the statutory filing fees were not submitted.

RULING

Applications 37148 and 37149 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,



R. MICHAEL TURNISEED, P.E.  
State Engineer

RMT/DJL/ab

Dated this 30th day of  
August, 1996.

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<sup>3</sup> NRS 533.435.