

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

IN THE MATTER OF APPLICATIONS 42276 AND)
42277 FILED TO APPROPRIATE THE WATERS OF)
AN UNDERGROUND SOURCE WITHIN THE SPRING)
VALLEY GROUNDWATER BASIN (184), WHITE)
PINE COUNTY, NEVADA.)

RULING

4492

GENERAL

I.

Applications 42276 and 42277 were filed on August 28, 1980, by Susan K. Martineau to appropriate 5.4 cubic feet per second (cfs) of water, respectively, from an underground source for irrigation purposes within the W $\frac{1}{2}$ of Section 5, T.13N., R.67E., M.D.B.&M. The points of diversion are described as being located within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ and the NE $\frac{1}{4}$ SW $\frac{1}{4}$, respectively, of said Section 5.¹

FINDINGS OF FACT

I.

The State Engineer notified the applicant by letter dated September 9, 1996, that Applications 42276 and 42277 were ready to be approved, and that in accordance with NRS 533.435 the sum of \$5,420.00 must be submitted to the Division of Water Resources for issuance of the permits under the applications.¹ The letter assigned a 30-day time limit from September 9, 1996, to submit the required fees or the applications would be subject to denial. The State Engineer finds that no fees were submitted in response to the notice.

II.

By certified letter dated November 15, 1996, the State Engineer's Office again notified the applicant that the \$5,420.00 permit fees must be submitted within 60 days and that failure to do so would result in the denial of Applications 42276 and 42277. The receipt for the certified notice was received in the Office of the State Engineer on November 21, 1996. The State Engineer finds that

¹File Nos. 42276 and 42277, official records in the Office of the State Engineer.

the applicant was properly notified of the permit fees requirement, no permit fees have been received, and the time allowed for paying the fees has expired.

CONCLUSIONS

I.

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

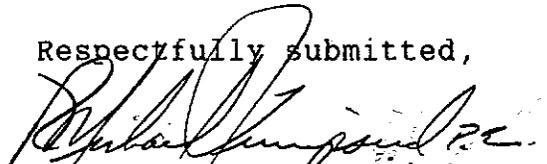
II.

The State Engineer is required by NRS 533.435 to collect a fee for the issuance of a permit. The State Engineer concludes that as the statutory fees were not submitted to the Division of Water Resources the permits cannot be granted.

RULING

Applications 42276 and 42277 are hereby denied on the grounds that the applicant has failed to timely submit the statutory permit fees.

Respectfully submitted,



R. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/MDB/ab

Dated this 11th day of
February, 1997.

²NRS Chapters 533 and 534.