

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

IN THE MATTER OF APPLICATION 63236 )  
FILED TO APPROPRIATE THE PUBLIC )  
WATERS OF AN UNDERGROUND SOURCE )  
WITHIN THE AMARGOSA VALLEY )  
GROUNDWATER BASIN (230), NYE )  
COUNTY, NEVADA. )

**RULING**

**# 4840**

**GENERAL**

**I.**

Application 63236 was filed on July 8, 1997, Nancy J. Fisher to change the point of diversion, the manner of use and the place of use of 0.23 cubic feet per second, not to exceed 36.4 acre-feet annually, a portion of the water previously appropriated under Permit 20411, Certificate 6846. The proposed manner and place of use is for irrigation and domestic purposes within 9.39 acres of land within the NE $\frac{1}{4}$  NE $\frac{1}{4}$  and 9.39 acres of land within the SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 8, T.16S., R.49E., M.D.B.&M. The proposed point of diversion is described as being within the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of said Section 8. The existing point of the diversion is located within the SE $\frac{1}{4}$  NE $\frac{1}{4}$  of said Section 8, with the existing manner and place of use being for the irrigation of 9.1 acres of land located within the N $\frac{1}{2}$  N $\frac{1}{2}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$  of said Section 8.<sup>1</sup>

**FINDINGS OF FACT**

**I.**

The office of the State Engineer notified the applicant by letter dated July 15, 1999, that Application 63236 was ready to be approved and that in accordance with NRS § 533.435 it would be necessary to submit the statutory permits fees in the amount of \$200.00 to the office of the State Engineer. The applicant was further advised that if the permit fees were not submitted to the office of the State Engineer within sixty days from the date of

<sup>1</sup> File No. 63236, official records in the office of the State Engineer.

the notice, Application 63236 would be subject to denial. The State Engineer finds that no filing fees were submitted in response to this notice.<sup>1</sup>

**II.**

By certified notice dated, September 16, 1999, the Deputy State Engineer notified the applicant that before further action could be taken towards the issuance of a permit, the \$200.00 permit fee must be submitted to the State Engineer's office. The applicant was also advised that if said fee was not timely submitted to the office of the State Engineer within 30 days from the date of the notice, Application 63236 would be subject to denial. The State Engineer finds that to date, the permit fee has not been submitted to the office of the State Engineer for Application 63236, therefore, said application can be considered for denial.

**III.**

On September 20, 1999, the office of the State Engineer, received a request from the applicant to extend the deadline for the submittal of the permit fees to October 10, 1999. The State Engineer finds there is no provision set forth within the Nevada Revised Statutes that would allow him to extend the deadline established for the submittal of permit fees, therefore, the applicant's request for additional time to submit the permits fees associated with Application 63236 must be rejected.

**CONCLUSIONS**

**I.**

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

**II.**

The State Engineer is required under the provisions of NRS § 533.435 to collect a fee for the issuance of a permit. The State

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<sup>2</sup> NRS Chapter 533.

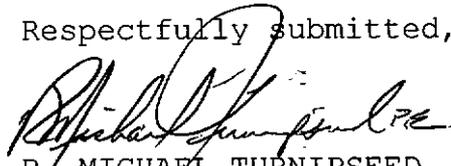
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Engineer concludes that as the statutory permit fee was not submitted to the office of the State Engineer, a permit can not be issued under Application 63236 and said application must be denied.

**RULING**

Application 63236 is hereby denied on the grounds that the applicant has failed to submit the associated permit fee required under the provisions of NRS § 533.435.

Respectfully submitted,

  
R/ MICHAEL TURNIPSEED, P.E.  
State Engineer

RMT/MDB/cl

Dated this 21st day of  
January, 2000.