

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

IN THE MATTER OF APPLICATION 44741)
FILED TO APPROPRIATE THE PUBLIC)
WATERS OF AN UNDERGROUND SOURCE)
WITHIN THE AMARGOSA VALLEY)
GROUNDWATER BASIN (230), NYE)
COUNTY, NEVADA.)

RULING

4843

GENERAL

I.

Application 44741 was filed on October 29, 1981, by the U.S.D.I., Bureau of Land Management to appropriate 0.005 cubic feet per second (cfs) of water from an underground source, more specifically, the School Springs well. The proposed manner and place of use is for wildlife propagation purposes within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 2, T.18S., R.50E., 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 2.¹

FINDINGS OF FACT

I.

The office of the State Engineer notified the applicant by letter dated August 13, 1999, that Application 44741 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 \$50.00 to the office of the State Engineer. The State Engineer finds that no filing fees were submitted in response to this notice.¹

II.

By certified notice dated October 14, 1999, the Deputy State Engineer notified the applicant that before further action could be taken towards the issuance of a permit under Application 44741 the \$50.00 permit fee must be submitted to the State Engineer's

¹ File No. 44741, official records in the office of the State Engineer.

office. The applicant was also advised that if said fees were not timely submitted to the office of the State Engineer within 30 days from the date of the notice Application 44741 would be subject to denial. The return receipt for the certified mailing was received in the office of the State Engineer on October 20, 1999.¹ The State Engineer finds that to date no permit fees have been submitted for Application 44741, therefore, said application can be considered for denial.

CONCLUSIONS

I.

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

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 Engineer concludes that as the statutory permit fees were not submitted to the office of the State Engineer, a permit can not be issued under Application 44741 and said application must be denied.

RULING

Application 44741 is hereby denied on the grounds that the applicant has failed to submit the associated permit fees required under the provision of NRS § 533.435.

Respectfully submitted,



R. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/MDB/cl

Dated this 24th day of
January, 2000.

² NRS Chapters 533 and 534.