

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

IN THE MATTER OF THE APPLICATION)
51911 FILED TO APPROPRIATE THE)
PUBLIC WATERS OF AN UNDERGROUND)
SOURCE IN THE LAS VEGAS ARTESIAN)
BASIN, CLARK COUNTY, NEVADA.)

RULING

3801

CORRECTED BY
RULING 3804

GENERAL

I.

Application 51911 was filed on March 10, 1988, by William John Kerr and Sylvia P. Kerr to appropriate 0.009 c.f.s. of water from an underground source for quasi-municipal and domestic purposes within the NE1/4 of the SW1/4 Section 29, T.22N., R.61E., M.D.B.&M. Application 51911 became ready for action by the State Engineer's Office on May 29, 1988.¹

FINDINGS OF FACT

I.

The applicant's were notified by letter from the State Engineer's Office dated November 17, 1989, that Application 51911 was ready to be approved and that, in accordance with NRS 533.435, it would be necessary that the sum of \$154.00 be remitted to the Division of Water Resources, along with signed statement acknowledging the permit as revokable. No fees were submitted as a result of that notice.²

II.

By certified letter dated November 17, 1989, the State Engineer's Office notified the applicant again that the \$154.00 permit fee must be remitted along with the signed statement within 30 days of the letter or Application 51911 would be subject to denial. No reply was made to the office of the State Engineer. No return receipt or returned certified letter was

¹ Public record in the office of the State Engineer.

² A check of the records of the office of the State Engineer indicates that no information has been received.

received from the applicant. A second certified letter dated December 6, 1990, the State Engineer's Office notified the applicant again that the \$154.00 permit fee must be remitted along with the signed statement within 30 days of the letter or Application 51911 would be subject to denial. The second certified letter was returned and was marked forwarding time expired. To date no permit fees have been received for Application 51911.²

CONCLUSIONS

I.

The State Engineer has jurisdiction in this matter under the provisions of NRS 533.325 and 533.435.³

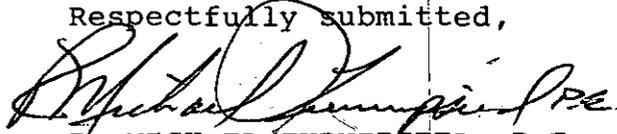
II.

The applicant has been properly notified of the requirements for the submission of the permit fees and has failed to comply with that requirement.

RULING

Application 51911 is herewith denied on the grounds that the applicant has failed to submit the permit fees required under the provision of NRS 533.435.

Respectfully submitted,


R. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/MR/pm

Dated this 29th day of
May, 1991.

³ See NRS chapters 533 and 534.

