

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

IN THE MATTER OF APPLICATION 66058 )  
FILED TO CHANGE THE PLACE OF USE OF )  
A PORTION OF THE WATERS OF THE )  
TRUCKEE AND CARSON RIVERS WITHIN )  
THE CARSON DESERT, HYDROGRAPHIC )  
BASIN (101), CHURCHILL COUNTY, )  
NEVADA. )

**RULING**

**# 4883**

**GENERAL**

**I.**

Application 66058 was filed on February 8, 2000, by James P. and Teresa M. Mackedon to change the place of use of 11.20 acre feet annually of water from the Truckee and Carson Rivers, that being a portion of the water previously appropriated under Truckee-Carson Irrigation District Serial Numbers 586-1, 560-2-D-1, 538-7 and 538-7-A, United States of America v. Orr Ditch Co. in Equity No. A-3, Claim 3; United States of America v. Alpine Land and Reservoir Co., No. D-183. The proposed manner and place of use is for decreed purposes within 3.20 acres of land that are described as being located within a portion of the SE1/4 SW1/4 of Section 19, T. 19 N., R. 29 E., M.D.B.&M.<sup>1</sup>

**FINDINGS OF FACT**

**I.**

Under the provisions of NRS § 533.370, the State Engineer shall approve an application submitted in proper form, which contemplates the application of water to a beneficial use, if the application is accompanied by the prescribed fees.<sup>2</sup> On February 8, 2000, Application 66058 was filed in the office of the State Engineer accompanied by the applicants' personal check no. 117. Subsequently, the office of the State Engineer issued receipt no. 133383 to James and Teresa Mackedon. A xerox copy of this check is filed within the subject application file which indicates that the

<sup>1</sup> File Number 66058, official records in the office of the State Engineer.

bank account from which the funds were to be drawn had been closed. The State Engineer finds that the application filing fee required under Application 66058 has not been collected by the office of the State Engineer as the account from which the applicants' check was drawn for the application filing fee had been closed.

**CONCLUSIONS**

**I.**

The State Engineer has jurisdiction over the parties and subject matter of this action and determination.<sup>3</sup>

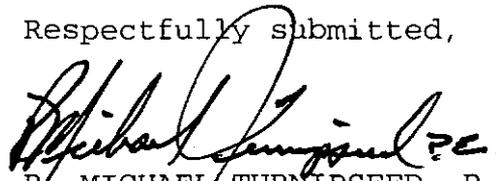
**II.**

All water rights applications that are submitted to the State Engineer's office must be accompanied by the required filing fee. The office of the State Engineer was unable to collect this fee when the applicants' personal check was rejected. The State Engineer concludes that the applicants have failed to submit the statutory filing fee required for the filing of Application 66058, therefore, said application must be denied.

**RULING**

Application 66058 is hereby denied on the grounds that the applicants have failed to submit the statutory filing fee.

Respectfully submitted,

  
R. MICHAEL TURNIPSEED, P.E.  
State Engineer

RMT/MDB/cl

Dated this 17th day of  
March, 2000.

<sup>2</sup> NRS § 533.370(1)(a).

<sup>3</sup> NRS chapter 533.