

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

IN THE MATTER OF APPLICATION 56335 )  
FILED TO APPROPRIATE THE PUBLIC )  
WATERS OF A NATURAL SPRING WITHIN )  
THE VIRGIN RIVER VALLEY )  
HYDROGRAPHIC BASIN (222), CLARK )  
COUNTY, NEVADA. )

RULING

# 5058

GENERAL

I.

Application 56335 was filed on May 20, 1991, by William Munz to appropriate 0.00223 cubic feet per second of water from what is described on the application as an unnamed spring. The proposed manner and place of use is for domestic use within the Sweetwater unpatented millsite, which is located within the SW<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub> of Section 11, T.15S., R.69E., M.D.B.&M. The proposed point of diversion is described as being located within the SE<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub> of Section 10, T.15S., R.69E., M.D.B.&M.<sup>1</sup>

FINDINGS OF FACT

I.

The office of the State Engineer notified the applicant and his agent by letter dated February 7, 2001, that Application 56335 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 \$154.00 to the office of the State Engineer. The applicant and his agent were further advised that if the permit fees were not submitted to the office of the State Engineer within sixty days from the date of the notice, Application 56335 would be subject to denial. The State Engineer finds that before Application 56335 can be approved, the statutory filing fees must be received in the office of the State Engineer.

<sup>1</sup> File No. 56335, official records in the office of the State Engineer.

**II.**

Application 56335 was filed by William Munz to appropriate domestic water for use within an unpatented mill site. By letter dated February 7, 2001, the applicant and his agent were requested to submit the required permit fees within a sixty day time period. This request was made with the understanding that a failure to file the permits fees in a timely manner would result in the denial of the application. This request for permit fees generated a response from the applicant's agent who informed the State Engineer's office that the applicant had passed away. The agent also indicated that the need to appropriate water in the manner described under Application 56335 had been abandoned prior to the applicant's death.<sup>1</sup> The State Engineer finds based upon the information contained in the February 13, 2001, letter, that there is no longer a need to appropriate the water requested under Application 56335.

**III.**

A review of the records in the office of the State Engineer relevant to Application 56335 indicates that no permitting fees have ever been submitted for this application.<sup>1</sup> The State Engineer finds that to date, the permit fees have not been submitted for Application 56335; 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.<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 Engineer concludes that as the statutory permit fees were not submitted to the office of the State Engineer, a permit cannot be issued under Application 56335, and said application must be denied.

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

**RULING**

Application 56335 is hereby denied on the grounds that the applicant has failed to submit the associated permit fees required under the provisions of NRS § 533.435.

Respectfully submitted,



Hugh Ricci, P.E.  
State Engineer

HR/MDB/hf

Dated this 30th day of  
August, 2001.