

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

IN THE MATTER OF THE APPLICATION 50754)
FILED TO APPROPRIATE THE PUBLIC WATERS)
OF AN UNDERGROUND SOURCE IN LAS VEGAS)
ARTESIAN BASIN, CLARK COUNTY, NEVADA.)

RULING

3929

GENERAL

I.

Application 50754 was filed on March 31, 1987, by John J. Dudek, Jr., M.D. to appropriate 0.08 c.f.s. of water from an underground source for quasi-municipal and domestic purposes within the SW1/4 SE1/4 Section 24, T.19S., R.60E., M.D.B.&M. The point of diversion is described as being within the SW1/4 SE1/4 Section 24, T.19S., R.60E., M.D.B.&M. Application 50754 became ready for action by the State Engineer's office on July 13, 1987.¹

FINDINGS OF FACT

I.

The applicant and agent were notified by letter from the State Engineer's office dated January 16, 1989, that Application 50754 was ready to be approved and that, in accordance with NRS 533.435, it would be necessary that the sum of \$159.00 be remitted to the Division of Water Resources. No fees were submitted as a result of that notice.²

II.

By certified letter dated March 25, 1992, the State Engineer's office notified the applicant and agent again that the \$159.00 permit fee must be remitted within 30 days of the letter or Application 50754 would be subject to denial. The notice sent to applicant John J. Dudek, Jr., M.D. was returned by the U.S. Postal Service labeled "forwarding order expired." The notice

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.

sent to agent Richard J. Baughman was returned by the U.S. Postal Service and resent to a new address. A properly endorsed receipt for the second certified notice to Richard J. Baughman is on file in the office of the State Engineer.³ To date, no permit fee has been received for Application 50754.²

III.

On July 23, 1992, this office faxed a copy of the affidavit and correspondence of January 16, 1989 and March 25, 1992, requesting the sum of \$159.00 to John J. Dudek, Jr., the applicant. A new address for applicant John J. Dudek, Jr. was also entered in file 50754. To date, no permit fee has been received for Application 50754.²

IV.

On July 27, 1992, a copy of the affidavit and correspondence of January 16, 1989, and March 25, 1992, requesting the sum of \$159.00 be remitted to the Division of Water Resources was mailed to applicant at new address. To date, no permit fee has been received for Application 50754.²

CONCLUSIONS

I.

The State Engineer has jurisdiction in this matter under the provisions of NRS 533.325 and 533.435.⁴

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.

³ See certified mail, return receipt No. 668 458 392.

⁴ See NRS chapters 533 and 534.

RULING

Application 50754 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/DJL/pm

Dated this 21st day of
January, 1993.