

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

IN THE MATTER OF APPLICATION 61277-T)
FILED TO CHANGE THE PLACE OF USE OF)
A PORTION OF THE PUBLIC WATERS OF)
THE TRUCKEE AND CARSON RIVERS IN)
CARSON DESERT (101), CHURCHILL)
COUNTY, NEVADA.)

RULING

4320

GENERAL

I.

Application 61277-T was filed on June 1, 1995, by the Paul Family Trust to change the place of use of 119.31 acre feet, a portion of water from the Truckee River and Carson River claimed under the decrees in the United States of America v. Orr Water Ditch Co. and the United States of America v. Alpine Land & Reservoir Company.

The proposed and existing point of diversion was from Lahontan Dam within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 33, T.19N., R.26E., M.D.B.&M. The proposed place of use was within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 26, T.18N., R.28E., the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 35, T.19N., R.29E., the SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 29, T.18N., R.29E., M.D.B.&M. The existing place of use was within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 35, T.19N., R.28E., M.D.B.&M. The manner of use remains unchanged.¹

FINDINGS OF FACT

I.

The applicant was notified by letter from the State Engineer's Office dated August 21, 1995, that Application 61277-T was ready to be approved and that, in accordance with NRS 533.435, it would be necessary that the sum of \$200.00 be remitted to the Division of Water Resources.¹ The State Engineer finds that no fees were submitted in response to the notice.

II.

By certified letter dated September 22, 1995, the State Engineer's Office again notified the applicant that the \$200.00

¹ File No. 61277-T, official records of the Office of the State Engineer.

permit fee must be remitted within 30 days of the date of the letter, and failure to do so would result in the denial of Application 61277-T. The endorsed receipt for the certified notice was received in the Office of the State Engineer on September 25, 1995. The State Engineer finds that to date no permit fees have been received for Application 61277-T.

III.

The State Engineer finds that the applicant was properly noticed that the permit fee was due and that the permit fee was not paid and the time allowed for paying said fee has expired.

CONCLUSIONS

I.

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

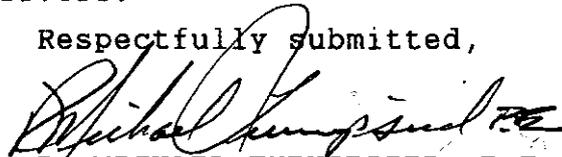
II.

The State Engineer concludes the applicant was properly notified of the requirements for the submission of the permit fees and failed to comply with that requirement.

RULING

Application 61277-T is hereby denied on the grounds that the applicant has failed to timely submit the permit fees required under the provision of NRS 533.435.

Respectfully submitted,


R. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/RAD/ab

Dated this 29th day of
March, 1996.

² NRS Chapters 533 and 534.