

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

IN THE MATTER OF APPLICATION 65767,)
FILED TO CHANGE THE PLACE OF USE OF)
A PORTION OF THE WATERS OF THE)
TRUCKEE RIVER PREVIOUSLY)
APPROPRIATED UNDER TRUCKEE RIVER)
CLAIM 634, WITHIN THE TRACY SEGMENT)
HYDROGRAPHIC BASIN (083), WASHOE)
COUNTY, NEVADA.)

RULING

4885

GENERAL

I.

Application 65767 was filed on December 29, 1999, by Kenneth Lee Dallimore to change the place of use of 0.3 cubic feet per second, not to exceed 32.00 acre-feet annually of water, that being a portion of the waters of the Truckee River previously appropriated under Truckee River Decree Claim Number 634. The proposed manner and place of use is for irrigation, domestic and stock watering purposes within 9.5 acres of land located within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 18, T.20N., R.24E., M.D.B.&M., and 0.4 acres of land located within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 18, T.20N., R.24E., M.D.B.&M. The proposed point of diversion is described as being located within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 14, T.20N., R.23E., M.D.B.&M.¹

FINDINGS OF FACT

I.

Under the provisions of NRS § 533.370(a) and NRS § 533.435, 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 and meets other statutory requirements. Upon receipt of an application, the State Engineer shall make an endorsement thereon of the date of its receipt and shall keep a record of the date.²

¹ File No. 65767, official records in the office of the State Engineer.

² NRS § 533.355.

On December 29, 1999, Application 65767 was filed in the office of the State Engineer accompanied by personal check no. 1683 drafted in the amount of \$150.00. Subsequently, State Engineer's receipt no. 132016 was issued to Kenneth L. & Virginia R. Dallimore to acknowledge the receipt of check no. 1683. The State Engineer finds that before Application 65767 can be considered for approval the office of the State Engineer must collect the statutory application fee.

II.

On January 12, 2000, the Department of Conservation and Natural Resources was informed by a telephone conversation with a representative of the Nevada Treasurer's office that the personal check submitted by Kenneth L. and Virginia R. Dallimore for the payment of the application fee under Application 65767 had been rejected due to non-sufficient funds. The State Engineer finds that the applicant has failed to submit the statutory application fee required under Application 65767.

CONCLUSIONS

I.

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

II.

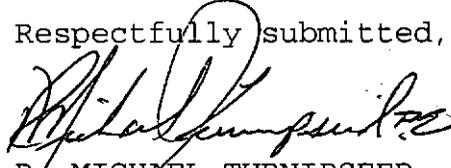
Before an application can be considered for approval, the office of the State Engineer must collect the associated statutory filing fee. Payment for the application fee under Application 65767 was attempted through a personal check, which was submitted with the application. This method of payment was rejected when the personal check was returned due to non-sufficient funds. The State Engineer concludes that the office of the State Engineer has not collected the statutory application fee required for the filing of Application 65767, therefore, Application 65767 must be denied.

³ NRS chapter 533.

RULING

Application 65767 is hereby denied on the grounds that the applicant has failed to submit the statutory application filing fee.

Respectfully submitted,



R. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/MDB/cl

Dated this 24th day of
March, 2000.