

IN THE OFFICE OF STATE ENGINEER
OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION 65916)
FILED TO CHANGE THE POINT OF)
DIVERSION AND THE PLACE OF USE OF A)
PORTION OF THE PUBLIC WATERS)
HERETOFORE APPROPRIATED UNDER)
PERMIT 62670 WITHIN THE PAHRUMP)
VALLEY HYDROGRAPHIC BASIN (162),)
NYE COUNTY, NEVADA.)

RULING

5123

GENERAL

I.

Application 65916 was filed on January 20, 2000, by Kenneth H. Lowman to change the point of diversion and the place of use of 0.01 cubic feet per second, not to exceed 1.0 acre-foot annually, of underground water, that being a portion of the water previously appropriated under Permit 62670. The proposed manner and place of use is for commercial and domestic purposes within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 19, T.19S., R.53E., M.D.B.&M. The proposed point of diversion is described as being located within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 19.¹

FINDINGS OF FACT

I.

Under the provisions established under NRS § 533.435, the State Engineer shall collect a specified fee for the issuance of a permit requesting a change in an existing water right. The State Engineer finds that before a permit can be issued under Application 65916 the statutory permit fees must be collected.

II.

The applicant was notified by letter dated August 23, 2001, that Application 65916 was ready to be approved. The applicant was also noticed of the need to submit the statutory permit fees

¹ File No. 65916, official records in the Office of the State Engineer.

in the amount of \$102.00 to the Office of the State Engineer within sixty days from the date of the letter. The applicant was also cautioned that a failure to submit the requested fees in a timely manner would result in Application 65916 being subject to denial.¹ The State Engineer finds that the applicant failed to respond to this initial request for the statutory permit fees.

III.

A second request for permit fees dated October 31, 2001, was sent by certified mail to the applicant's address of record. The final notice advised the applicant that if the permit fees were not timely submitted within thirty days from the date of this notice Application 65916 would be subject to denial. A properly endorsed receipt for the certified mailing was received, but an examination of the application file performed after the thirty-day filing period indicates that the required permit fees have never been submitted.¹ The State Engineer finds that the statutory filing fees required for the issuance of Permit 65916 have not been collected and that said application is subject to denial.

CONCLUSIONS

I.

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

II.

The State Engineer is required by NRS § 533.435 to collect a fee for the issuance of a permit. The State Engineer concludes that as the statutory fees were not submitted to the Division of Water Resources a permit cannot be granted under Application 65916.

² NRS chapters 533 and 534.

RULING

Application 65916 is hereby denied on the grounds that the applicant has failed to submit the permit fees required under the provision of NRS § 533.435.

Respectfully submitted,



HUGH RICCI, P.E.
State Engineer

HR/MDB/jm

Dated this 14th day of
May, 2002.