

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

IN THE MATTER OF APPLICATIONS)
69311 AND 69312 FILED TO)
CHANGE THE PLACE OF USE OF A)
PORTION OF THE UNDERGROUND)
WATER PREVIOUSLY PERMITTED FOR)
APPROPRIATION UNDER PERMIT)
60877 AND 60878, RESPECTIVELY,)
WITHIN THE TRACY SEGMENT)
HYDROGRAPHIC BASIN (083),)
WASHOE COUNTY, NEVADA.)

RULING

#5214

GENERAL

I.

Application 69311 was filed on November 7, 2002, by the Rockland Group, LLC, to change the place of use of 0.423 cubic feet per second (cfs), not to exceed 306.715 acre-feet annually (afa) of water, that being a portion of the waters of an underground source previously appropriated under Permit 60877. The proposed manner and place of use is for industrial (gravel operation) purposes within portions of Section 27 and portions of the S½ of Section 26, all within T.20N., R.22E., M.D.B.&M. The proposed point of diversion is described as being located within the NE¼ SW¼ of Section 27, T.20N., R.22E., M.D.B.&M.¹

II.

Application 69312 was filed on November 7, 2002, by the Rockland Group, LLC, to change the place of use of 0.423 cfs, not to exceed 306.715 afa of water, that being a portion of the waters of an underground source previously appropriated under Permit 60878. The proposed manner and place of use is for industrial (gravel operation) purposes within the same place of use described under Application 69311. The proposed point of diversion is

¹ File No. 69311, official records in the Office of the State Engineer.

described as being located within the NW¼ SW¼ of Section 27,
T.20N., R.22E., M.D.B.&M.²

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.³ On November 7, 2002, Applications 69311 and 69312 were filed in the Office of the State Engineer accompanied by personal check No. 1266 drafted in the amount of \$302.00. Subsequently, State Engineer's receipt Nos. 162267 and 162268 were issued to Spectrum 2000 LLC, to acknowledge the receipt of check No. 1266. It should be noted that the sum of \$302.00 represents the statutory permit fee for two water right change applications at \$150.00 per application plus a \$2.00 copying fee for copies requested by the applicant.

The State Engineer finds that before Applications 69311 and 69312 can proceed through the application process, the Office of the State Engineer must collect the statutory application fees.

II.

On December 23, 2002, the original check that had been submitted to satisfy the filing fees associated with Applications 69311 and 69312 was returned to the Office of the State Engineer stamped "Account Closed". The State Engineer finds that the applicant has failed to submit the statutory application fees required under Applications 69311 and 69312.

² File No. 69312, official records in the Office of the State Engineer.

³ NRS § 533.355.

CONCLUSIONS

I.

The State Engineer has jurisdiction over the parties and the subject matter of this action and determination.⁴

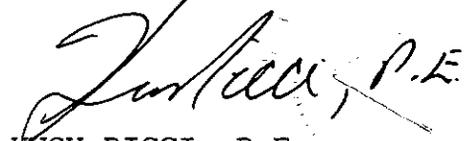
II.

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 fees under Applications 69311 and 69312 was attempted through a personal check, which was submitted with the applications. This method of payment was rejected when the personal check was returned due to the closure of the bank account from which the funds were to be drawn. The State Engineer concludes that the Office of the State Engineer has not collected the statutory application fees required for the filing of Applications 69311 and 63912; therefore, these applications must be considered for denial.

RULING

Application 69311 and Application 69312 are hereby denied on the grounds that the applicant has failed to submit the statutory application filing fees.

Respectfully submitted,



HUGH RICCI, P.E.
State Engineer

HR/MDB/jm

Dated this 10th day of
February, 2003.

⁴ NRS chapter 533 and 534.