

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

IN THE MATTER OF APPLICATION 66795     )  
FILED TO APPROPRIATE THE WATERS OF     )  
AN UNDERGROUND SOURCE WITHIN THE     )  
IMLAY AREA HYDROGRAPHIC BASIN     )  
(072), PERSHING COUNTY, NEVADA.     )

**RULING**  
**#5277**

**GENERAL**

**I.**

Application 66795 was filed on August 30, 2000, by Gladys E. Dale to appropriate 0.0031 cubic feet per second of underground water for the stock watering of 100 head of cattle. The proposed place of use is described as being within the E $\frac{1}{2}$  E $\frac{1}{2}$  of Section 35, T.33N., R.35E., M.D.B.&M. The proposed point of diversion is represented by an existing domestic well located within the SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 35, of said township and range.<sup>1</sup>

**FINDINGS OF FACT**

**I.**

All permits approved by the State Engineer are issued subject to the payment of the statutory permit fee. On November 26, 2002, Gladys E. Dale and her agent were advised by the Office of the State Engineer that Application 66795 was ready to be approved. Both parties were also advised that in accordance with NRS § 533.435 it would be necessary to submit the statutory permit fee in the sum of \$50.00 to the Office of the State Engineer. A second request for the aforementioned permit fee was sent by certified mail to the applicant and her agent at their respective addresses of record on February 19, 2003. This request also contained a warning to the subject parties that failure to timely submit the requested fee would result in the possible denial of Application 66795. A receipt for the certified mailing to the applicant's agent was endorsed by Brian Moravec and received in

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<sup>1</sup> File Number 66795, official records in the Office of the State Engineer.

the Office of the State Engineer. The certified letter to the applicant was returned to the Office of the State Engineer with the envelope stamped "Attempted Not Known" by the United States Postal Service. To this date, no response to any of the requests for permit fees has been received. The State Engineer finds that the permit filing fee, required under Application 66795, has not been collected by the Office of the State Engineer.

**II.**

Once a water right application is filed within the Office of the State Engineer, it is assigned a sequential serial number under which a water right file is maintained. This file typically contains the names and addresses of the applicant and if applicable, a designated water rights agent. Should changes in address occur, it is the applicant's responsibility to inform the Office of the State Engineer of these changes in a timely manner. This allows the State Engineer's office to notify the proper parties at their correct addresses of matters relating to the water right filing. An examination of the record of the water right file maintained under Application 66795, indicates that the applicant has not submitted any change of address information to the Office of the State Engineer. Based upon this determination, the State Engineer finds that the applicant was properly noticed at her address of record of the need to submit the required permit fee.

**CONCLUSIONS**

**I.**

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

**II.**

All water right permits are issued subject to the payment of the statutory permit fee. On two occasions, the Office of the State Engineer advised the applicant that Application 66795 was

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<sup>2</sup> NRS chapters 533 and 534.

ready to be approved. The applicant was also advised that before the permit could be issued it would be necessary to submit the permit fee in accordance with NRS § 533.435. No response or payment for this fee has been received in the State Engineer's office. The State Engineer concludes that the applicant has failed to submit the statutory permit fee required for the issuance of Permit 66795; therefore, said application must be denied.

**RULING**

Application 66795 is hereby denied on the grounds that the applicant has failed to submit the statutory permit fee.

Respectfully submitted,



HUGH RICCI, P.E.  
State Engineer

HR/MDB/jm

Dated this 8th day of  
September, 2003.