

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

IN THE MATTER OF APPLICATION 67411 )  
FILED TO CHANGE THE PLACE OF USE OF )  
THE WATERS OF AN UNDERGROUND SOURCE )  
PREVIOUSLY APPROPRIATED UNDER )  
PERMIT 50373 WITHIN THE TRACY )  
SEGMENT HYDROGRAPHIC BASIN (083), )  
STOREY COUNTY, NEVADA. )

RULING

**# 5685**

GENERAL

I.

Application 67411 was filed on April 12, 2001, by TRW, Inc. to change the place of use of 0.11 cubic feet per second of underground water previously appropriated under Permit 50373 with an annual duty not to exceed 2.33 million gallons annually. The proposed manner and place of use is described on the application as Quasi-Municipal and Fire Protection purposes within Sections 31 and 32, T.19N., R.22E., Sections 4, 5, 6, 7, 8, 9, 16, 17, and 18, T.18N.,R.22E., M.D.B.&M. The proposed point of diversion is described as being located within the Lot 6 of Section 6, T.18N.,R.22E.,M.D.B.&M.<sup>1</sup>

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 an appropriation of water. The State Engineer finds that before a permit can be issued under Application 67411 the statutory permit fee must be collected.

II.

The Applicant was notified by letter dated June 28, 2005, that Application 67411 was ready to be approved. The Applicant was also noticed of the need to submit the statutory permit fee in the amount of \$115.00 to the Office of the State Engineer within sixty days from the date of the letter. The Applicant was also

<sup>1</sup> File No. 67411, official records in the Office of the State Engineer.

cautioned that a failure to submit the requested fee in a timely manner would result in Application 67411 being subject to denial.<sup>1</sup> Despite the fact that this notice was sent to the applicant at its current address of record, it was returned to the Office of the State Engineer with the notation, "Return to Sender Undeliverable As Addressed," stamped upon the envelope by the United States Postal Service. The State Engineer finds that the Applicant was properly noticed of the requirement to submit the required permit fee in a timely manner and has failed to do so; therefore, Application 67411 must be considered for denial.

**CONCLUSIONS**

I.

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

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 fee was not submitted to the Division of Water Resources a permit cannot be granted under Application 67411.

**RULING**

Application 67411 is hereby denied on the grounds that the applicant has failed to submit the permit fee required under the provision of NRS § 533.435.

Respectfully submitted,



TRACY TAYLOR, P.E.  
State Engineer

TT/MDB/jm

Dated this 6th day of  
December, 2006.

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