

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

IN THE MATTER OF APPLICATION 61043 FILED)
TO CHANGE PLACE OF USE OF A PORTION OF)
THE PUBLIC WATERS OF THE TRUCKEE AND)
CARSON RIVERS IN CARSON DESERT (101),)
CHURCHILL COUNTY, NEVADA.)

RULING
4185

GENERAL

I.

Application 61043 was filed on March 15, 1995, by Marjorie G. Luke, et. al. to change the place of use of 17.15 acre feet, a portion of water from the Truckee River and Carson River heretofore decreed under United States of America v. Orr Water Ditch Co. in Equity No. A. 3 Claim No. 3; United States of America v. Alpine Land & Reservoir Company.

The proposed and existing point of diversion was from Lahontan Dam within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 33, T.19N., R.26E., M.D.B.&M. The proposed place of use was 4.9 acres within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 26, T.19N., R.29E., M.D.B.&M. The existing place of use was 4.9 acres within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 26, T.19N., R.29E., M.D.B.&M. The manner of use remains unchanged.¹

FINDINGS OF FACT

I.

Application 61043 was submitted to the State Engineer's office on March 15, 1995, accompanied by Check No. 3534 in the amount of \$150.00. After deposit the check was returned stamped "Non Sufficient Funds".¹ Pursuant to NRS 533.435, a \$150.00 filing fee must accompany each application to change the public waters of the State of Nevada. The State Engineer finds that the statutory filing fee was not received.

¹ Public record in the office of the State Engineer under file 61043.

CONCLUSIONS

I.

The State Engineer has jurisdiction over the subject matter of this action and determination under the provisions of NRS 533.325 and NRS 533.435.²

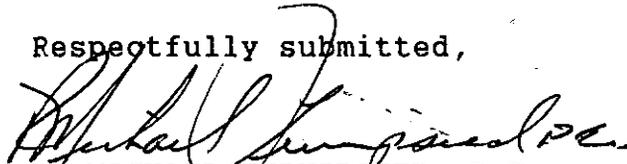
II.

Since the check for the filing fee of Application 61043 was returned by the bank, Application 61043 was not accompanied by the statutory filing fee of \$150.00 as required under the provisions of NRS 533.435.

RULING

Application 61043 is herewith cancelled on the grounds that the applicant did not submit the application fee as required under the provisions of NRS 533.435.

Respectfully submitted,


R. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/DJL/pm

Dated this 2nd day of
May, 1995.

² NRS 533 and 534.