

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

IN THE MATTER OF APPLICATION 56469 )  
FILED TO APPROPRIATE THE PUBLIC )  
WATERS OF AN UNDERGROUND SOURCE WITHIN )  
THE NORTH FORK AREA GROUNDWATER BASIN )  
(044), ELKO COUNTY, NEVADA. )

RULING

# 4618

GENERAL

I.

Application 56469 was filed on June 19, 1991, by Clarence E. Merritt and Gerald R. Stallings to appropriate 0.05 cubic feet per second of underground water for quasi-municipal purposes within a portion of the E½ SE¼ of Section 28, T.36N., R.57E., M.D.B.& M. The proposed point of diversion is described as being located within the NE¼ SE¼ of said Section 28.<sup>1</sup>

FINDINGS OF FACT

I.

The State Engineer notified the applicants and their agent by letter dated November 7, 1997, that Application 56469 was ready to be approved, and that in accordance with NRS § 533.435 the sum of \$155.00 must be submitted to the office of the State Engineer for the issuance of the permit under the application. The letter assigned a sixty (60) day time limit from November 7, 1997, to submit the required fees or the application would be subject to denial. The letter informing the applicants of the permit fee requirements was returned by the United States Postal Service to the office of the State Engineer stamped "Attempted-Not Known".<sup>1</sup>

By certified letters dated January 8, 1998, the office of the State Engineer again notified the applicants and their agent that the \$155.00 permit fee must be submitted to said office within 30 days from the date of the notice, and they were once again cautioned that failure to do so would result in the denial of Application 56469. Properly endorsed receipts for the certified

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<sup>1</sup> File No. 56469, official records in the office of the State Engineer.

mailings were received in the office of the State Engineer on January 13 and January 15, 1998.<sup>1</sup>

It has been a long established policy within the office of the State Engineer that it is the applicant's responsibility to inform said office of any ownership or address changes which may occur regarding a water rights application. The State Engineer finds that the proper owner of record was notified at the correct address of record of the permit fee requirement and that no fees have been received. The State Engineer further finds that time allowed for receiving the permit fee has expired and that Application 56469 is now subject to 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 fees were not submitted to the Division of Water Resources the permit cannot be granted.

RULING

Application 56469 is hereby denied on the grounds that the applicants have failed to timely submit the statutory permit fees.

Respectfully submitted,

  
R. MICHAEL TURNIPSEED, P.E.  
State Engineer

RMT/MDB/cl

Dated this 7th day of  
April, 1998.

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