

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

IN THE MATTER OF APPLICATIONS)
68749, 68750, 68751, 68752 AND)
68753 FILED TO APPROPRIATE THE)
WATERS OF AN UNDERGROUND SOURCE,)
WITHIN THE SMOKE CREEK DESERT)
VALLEY HYDROGRAPHIC BASIN (021),)
WASHOE COUNTY, NEVADA.)

RULING

#5130

GENERAL

I.

Application 68749 was filed on April 30, 2002, by High Rock Holdings, LLC, to appropriate 5.0 cubic feet per second (cfs) of underground water from the Smoke Creek Desert Valley groundwater basin. The proposed manner and place of use is for industrial purposes within Sections 3, 4, 5, 8, 9, 10, 15, 16, 17, 20, 21, 22, 27, 28, 29, 32, 33 and 34, T.29N., R.23E., M.D.B.&M., in addition to Sections 1, 13, 24, 25 and 36, T.30N., R.22E., M.D.B.&M. The proposed point of diversion is described as being located within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 25, T.33N., R.21E., M.D.B.&M.¹

II.

Application 68750 was filed on April 30, 2002, by High Rock Holdings, LLC, to appropriate 5.0 cfs of underground water from the Smoke Creek Desert Valley groundwater basin. The proposed manner and place of use is for industrial purposes within Sections 3, 4, 5, 8, 9, 10, 15, 16, 17, 20, 21, 22, 27, 28, 29, 32, 33 and 34, T.29N., R.23E., M.D.B.&M., in addition to Sections 1, 13, 24, 25 and 36, T.30N., R.22E., M.D.B.&M. The proposed point of diversion is described as being located within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 20, T.33N., R.22E., M.D.B.&M.²

¹ File Number 68749, official records in the Office of the State Engineer.

² File Number 68750, official records in the Office of the State Engineer.

III.

Application 68751 was filed on April 30, 2002, by High Rock Holdings, LLC, to appropriate 5.0 cfs of underground water from the Smoke Creek Desert Valley groundwater basin. The proposed manner and place of use is for industrial purposes within Sections 3, 4, 5, 8, 9, 10, 15, 16, 17, 20, 21, 22, 27, 28, 29, 32, 33 and 34, T.29N., R.23E., M.D.B.&M., in addition to Sections 1, 13, 24, 25 and 36, T.30N., R.22E., M.D.B.&M. The proposed point of diversion is described as being located within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 22, T.33N., R.22E., M.D.B.&M.³

IV.

Application 68752 was filed on April 30, 2002, by High Rock Holdings, LLC, to appropriate 5.0 cfs of underground water from the Smoke Creek Desert Valley groundwater basin. The proposed manner and place of use is for industrial purposes within Sections 3, 4, 5, 8, 9, 10, 15, 16, 17, 20, 21, 22, 27, 28, 29, 32, 33 and 34, T.29N., R.23E., M.D.B.&M., in addition to Sections 1, 13, 24, 25 and 36, T.30N., R.22E., M.D.B.&M. The proposed point of diversion is described as being located within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 15, T.32N., R.22E., M.D.B.&M.⁴

V.

Application 68753 was filed on April 30, 2002, by High Rock Holdings, LLC, to appropriate 5.0 cfs of underground water from the Smoke Creek Desert Valley groundwater basin. The proposed manner and place of use is for industrial purposes within Sections 3, 4, 5, 8, 9, 10, 15, 16, 17, 20, 21, 22, 27, 28, 29, 32, 33 and 34, T.29N., R.23E., M.D.B.&M., in addition to Sections 1, 13, 24, 25 and 36, T.30N., R.22E., M.D.B.&M. The proposed point of diversion is described as being located within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 14, T.32N., R.22E., M.D.B.&M.⁵

³ File Number 68751, official records in the Office of the State Engineer.

⁴ File Number 68752, official records in the Office of the State Engineer.

⁵ File Number 68753, official records in the Office of the State Engineer.

VI.

The remarks section of each of the subject applications contains information that indicates that they were filed to support a 2000-megawatt power plant.¹⁻⁵

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.⁶ On April 30, 2002, Applications 68749 through 68753, inclusive, were filed in the Office of the State Engineer accompanied by check no. 1051 drafted in the amount of \$1,250.00. Subsequently, State Engineer's receipt no. 156617 was issued to High Rock Holdings, LLC, to acknowledge the receipt of check no. 1051.

II.

The check submitted by High Rock Holdings, LLC for the payment of the application fees under Applications 68749, 68750, 68751, 68752 and 68753 was returned to the State Engineer's office stamped with the notation, "Account Closed".¹ The State Engineer finds that the applicant has failed to submit the statutory application fees required for Applications 68749, 68750, 68751, 68752 and 68753.

⁶ NRS § 533.355.

CONCLUSIONS

I.

The State Engineer has jurisdiction over the parties and the subject matter of this action and determination.⁷

II.

Before an application can be considered for approval, the Office of the State Engineer must collect the associated statutory filing fees. Payment for the application fees under Applications 68749, 68750, 68751, 68752 and 68753 was attempted through a check which was submitted with the applications. This method of payment was rejected when the check was returned due to the closure of the applicant's bank account. The State Engineer concludes that the Office of the State Engineer has not collected the statutory application fees required for the filing of Application 68749, 68750, 68751, 68752 and 68753; therefore, each of these applications must be denied.

RULING

Applications 68749, 68750, 68751, 68752 and 68753 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 6th day of
June, 2002.

⁷ NRS chapter 533.