

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

IN THE MATTER OF APPLICATION 69697)
FILED TO APPROPRIATE THE PUBLIC)
WATERS OF AN UNDERGROUND)
SOURCE, WITHIN THE PAHRUMP)
VALLEY HYDROGRAPHIC BASIN (162))
NYE COUNTY, NEVADA.)

RULING

#5341

GENERAL

I.

Application 69697 was filed on February 28, 2003, by Bob Davies to appropriate 0.0028 cubic feet per second, not to exceed 1,800 gallons per day of underground water for commercial use within a portion of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 15, T.20S., R.53E., M.D.B.&M. The proposed point of diversion is described on the application as being located within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 15.¹

FINDINGS OF FACT

I.

Every water right application that is filed in its complete and correct form must include the applicant's name and address. This information is incorporated into the file maintained under each water right, and is used to notify the applicant in all matters relating to the application. Should a change in address occur, the applicant must provide the Office of the State Engineer with the new address to prevent mail from being sent to the former address. The importance of this task is underscored by the attempt made by the Office of the State Engineer to contact the applicant by letter dated July 29, 2003. This letter, which was sent to the applicant's address of record, was returned to the Office of the State Engineer stamped, "Moved, Left No Address" and "Return to Sender, Forward Expired". Subsequently, through an exchange of telephone conversations and faxes, a second

¹ File No. 69697, official records in the Office of the State Engineer.

address was provided by the applicant. A letter sent to this new address, dated August 18, 2003, advised the applicant that Application 69697 was ready to be approved and that in accordance with NRS § 533.435 it would be necessary to submit the statutory permit fee in the amount of \$154.00 to the Office of the State Engineer. An identical letter was also sent to the applicant's agent. Both of the subject parties were further advised that if the permit fee was not submitted to the Office of the State Engineer within sixty days from the date of the notice, Application 69697 would be subject to denial. The State Engineer finds that no filing fee was submitted in response to this notice.¹

II.

By certified notice dated October 28, 2003, the Deputy State Engineer again notified the applicant and his agent that before further action could be taken towards the issuance of a permit, the \$154.00 permit fee must be submitted to the State Engineer's office. The subject parties were also advised that if said fee was not timely submitted to the Office of the State Engineer within 30 days from the date of the notice, Application 69697 would be subject to denial. The State Engineer finds that to date, the permit fee has not been submitted to the Office of the State Engineer for Application 69697; therefore, said application can be considered for denial.

CONCLUSIONS

I.

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

II.

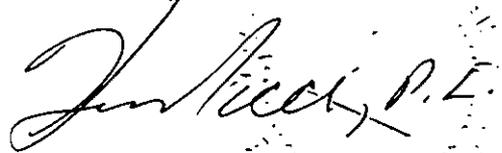
The State Engineer is required under the provisions of NRS § 533.435 to collect a fee for the issuance of a permit. The State Engineer concludes that as the statutory permit fee was not submitted to the Office of the State Engineer, a permit can not be issued under Application 69697 and said application must be denied.

² NRS chapters 533 and 534.

RULING

Application 69697 is hereby denied on the grounds that the applicant has failed to submit the associated permit fee required under the provisions of NRS § 533.435.

Respectfully submitted;



HUGH RICCI, P.E.
State Engineer

HR/MDB/jm

Dated this 14th day of
April, 2004.