

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

IN THE MATTER OF APPLICATION)
70595 FILED TO APPROPRIATE THE)
PUBLIC WATERS OF AN)
UNDERGROUND SOURCE WITHIN)
THE PATTERSON VALLEY)
HYDROGRAPHIC BASIN (202),)
LINCOLN COUNTY, NEVADA.)

RULING

#5401

GENERAL

I.

Application 70595 was filed on November 6, 2003, by Edward L. Couture to appropriate 4.3 cubic feet per second of underground water for the irrigation of 240 acres of land located within portions of the S½ of Section 9 and the N½ of Section 16, both within T.1N., R.68E., M.D.B.&M. The proposed point of diversion is described as being located within the SE¼ SW¼ of said Section 9.¹

FINDINGS OF FACT

I.

Under the provisions of NRS § 533.370(a) and NRS § 533.435, the State Engineer shall consider 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 all 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.² On November 6, 2003, Application 70595 was filed in the Office of the State Engineer accompanied by Check No. 2223 drafted in the amount of \$250.00. Subsequently, State Engineer's Receipt No. 172505 was issued to Pearsons Trenching to acknowledge the receipt of Check No. 2223.

¹ File No. 70595, official records in the Office of the State Engineer.

² NRS § 533.355.

The check submitted by Pearsons Trenching for the payment of the application fee under Application 70595 was returned to the State Engineer's office stamped with the notation "Insufficient Funds".¹ The State Engineer finds that the applicant has failed to submit the statutory application fee required for Application 70595.

CONCLUSIONS

I.

The State Engineer has jurisdiction over the parties and the subject matter of this action and determination.³

II.

Before an application can be considered for approval, the Office of the State Engineer must collect the associated statutory filing fee. Payment for the application fee under Application 70595 was attempted through a check, which was submitted with the application. This method of payment was rejected when the check was returned due to a lack of sufficient funds in the applicant's bank account. The State Engineer concludes that the Office of the State Engineer has not collected the statutory application fee required for the filing of Application 70595; therefore, this application must be denied.

RULING

Application 70595 is hereby denied on the grounds that the applicant has failed to submit the statutory application filing fee.

Respectfully submitted,



HUGH RICCI, P.E.
State Engineer

HR/MDB/jm

Dated this 28th day of
June, 2004.

³ NRS chapter 533 and 534.