

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

IN THE MATTER OF APPLICATION 59709 )  
FILED TO CHANGE THE POINT OF )  
DIVERSION OF THE WATERS OF AN )  
UNDERGROUND SOURCE WITHIN THE )  
CARSON VALLEY GROUNDWATER BASIN )  
(105), DOUGLAS COUNTY, NEVADA. )

RULING

# 4516

GENERAL

I.

Application 59709 was filed on January 18, 1994, by Raymond and Donna L. Andres to appropriate 0.1176 cubic foot per second, not to exceed 11.76 acre-feet seasonally, of water from an underground source for irrigation purposes within the SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 4, T.12N., R.21E., M.D.M. The point of diversion is described as being located within the SE $\frac{1}{4}$  NW $\frac{1}{4}$  of said Section 4.<sup>1</sup>

FINDINGS OF FACT

I.

The State Engineer notified the applicants and their agent by letter dated February 2, 1996, that Application 59709 was ready to be approved, and that in accordance with NRS 533.435 the sum of \$200.00 must be submitted to the Division of Water Resources for issuance of the permit under the application.<sup>1</sup> The letter assigned a 30-day time limit from February 2, 1996, to submit the required fee or the application would be subject to denial. The letter to the applicant was returned by the United States Postal Service marked as undeliverable.

II.

By certified letter dated March 7, 1996, the State Engineer again notified the applicants and their agent that the \$200.00 permit fee must be submitted within 30 days and that failure to do so would result in the denial of Application 59709. The receipt for the certified notice to the agent was received in the office of

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<sup>1</sup>File No. 59709, official records in the Office of the State Engineer.

the State Engineer on March 15, 1996. The letter to the applicant was returned by the United States Postal Service marked as undeliverable. The State Engineer finds that the applicant was properly notified of the permit fee requirement, no permit fee has been received, and the time allowed for paying the fee has expired.

III.

The State Engineer finds that is the responsibility of the applicant or successor in interest to keep this office informed of a current address.

CONCLUSIONS

I.

The State Engineer has jurisdiction over the subject matter of this action and determination.<sup>2</sup>

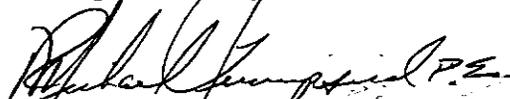
II.

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 fee was not submitted to the Division of Water Resources the permit cannot be granted.

RULING

Application 59709 is hereby denied on the grounds that the applicant has failed to timely submit the statutory permit fee.

Respectfully submitted,



E. MICHAEL TURNIPSEED, P.E.  
State Engineer

RMT/SJT/ab

Dated this 28th day of  
March, 1997.

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