

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

IN THE MATTER OF THE APPLICATION 54826)
FILED TO APPROPRIATE THE PUBLIC WATERS)
OF AN UNDERGROUND SOURCE IN LAS VEGAS)
ARTESIAN BASIN, CLARK COUNTY, NEVADA.)

RULING

#3869

GENERAL

I.

Application 54826 was filed on May 16, 1990 by Joseph L. and Pamela Anttonelli to appropriate 0.03 c.f.s. of water from an underground source for quasi-municipal and domestic purposes within the SE1/4 NW1/4 Section 16, T.22S., R.61E., M.D.B.&M. The point of diversion is described as being within the SE1/4 NW1/4 Section 16, T.22S., R.61E., M.D.B.&M. Application 54826 became ready for action by the State Engineer's office on September 20, 1990.¹

FINDINGS OF FACT

I.

The applicant and agent were notified by letter from the State Engineer's Office dated November 26, 1990, that Application 54826 was ready to be approved and that, in accordance with NRS 533.435, it would be necessary that the sum of \$153.00 be remitted to the Division of Water Resources. No fees were submitted as a result of that notice.²

II.

By certified letter dated February 6, 1991, the State Engineer's Office notified the applicant and agent again that the \$153.00 permit fee must be remitted within 30 days of the letter or Application 54826 would be subject to denial. A properly

¹ Public record in the office of the State Engineer.

² A check of the records of the office of the State Engineer indicates that no information has been received.

endorsed receipt for the certified notice from the agent is on file in the office of the State Engineer.³ The notice to the applicant was returned by the U.S. Postal Service as unclaimed. The notice was resent by regular mail to a new address provided by the U.S. Postal Service. To date, no permit fees have been received for Application 54826.²

III.

By certified letter dated July 3, 1991, the State Engineer's office notified the applicant and agent again that the \$153.00 permit fee must be remitted within 30 days of the date of the letter or Application 54826 would be subject to denial. A properly endorsed receipt for the certified notice from the agent is on file in the office of the State Engineer.⁴ The notice to the applicant was returned by the U.S. Postal Service as unclaimed and resent regular mail by the State Engineer's Office. To date, no permit fees have been received for Application 54826.²

CONCLUSIONS

I.

The State Engineer has jurisdiction in this matter under the provisions of NRS 533.325 and 533.435.

II.

The applicant has been properly notified of the requirements for the submission of the permit fees and has failed to comply with that requirement.

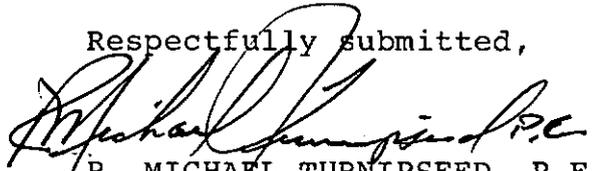
³ See certified mail, Return Receipt No. P 397 018 280.

⁴ See certified mail, Return Receipt No. P 397 018 504.

RULING

Application 54826 is hereby denied on the grounds that the applicant has failed to submit the permit fees required under the provision of NRS 533.435.

Respectfully submitted,



R. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/DJL/pm

Dated this 18th day of
February, 1992.