

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

IN THE MATTER OF APPLICATION 60436)
FILED TO CHANGE THE POINT OF)
DIVERSION, MANNER AND PLACE OF USE)
OF WATERS PREVIOUSLY APPROPRIATED)
FROM AN UNDERGROUND SOURCE WITHIN)
THE AMARGOSA DESERT GROUNDWATER)
BASIN (230), NYE COUNTY, NEVADA.)

RULING

#4543

GENERAL

I.

Application 60436 was filed on September 12, 1994, by Richard B. and Joyce G. Pack to change the point of diversion, manner and place of use of 0.0778 cubic feet per second (cfs); not to exceed 20.0 acre-feet annually (afa), a portion of the underground waters previously appropriated under Permit 17657, Certificate 6978, within the Amargosa Desert Groundwater Basin, Nye County, Nevada. The proposed use is for irrigation and domestic purposes on 5 acres within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 15, T.16S., R.48E., M.D.B.&M., Nye County Assessors Parcel Number 19-551-38. The point of diversion is described as being located within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 15.¹

FINDINGS OF FACT

I.

The State Engineer notified the applicants by letter dated March 13, 1997, that Application 60436 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.¹ The letter assigned a 60-day time limit from March 13, 1997, to submit the required fees or the application would be subject to denial. The letter informing the applicants of the permit fee requirement was returned by the United States Postal Service marked "Attempted not known". The State Engineer's office on March 23, 1997, conferred by telephone with

¹ File No. 60436, official records in the office of the State Engineer.

Mr. Brent Woolsey. Mr. Woolsey is the water rights surveyor who prepared the map which accompanied the application, and he informed this office that he did not have a forwarding address for the applicants. By letter filed September 12, 1994, the applicants had informed the State Engineer that questions should be addressed to Mr. Dolby. Therefore, by certified letter dated May 14, 1997, the State Engineer's office again notified the applicants by mailing the notice for permit fees in care of Mr. Trevor Dolby. The applicants were informed that the \$200.00 permit fee must be submitted within 30 days and failure to do so would result in the denial of Application 60436. The receipt for the certified notice was received in the office of the State Engineer on May 22, 1997.

The State Engineer finds that the applicants were properly notified of the permit fees requirement, no fees have been received, and the time allowed for paying the fees has expired.

II.

The State Engineer finds it is the responsibility of the applicants or their successor in interest to keep this office informed of a current mailing address.

CONCLUSIONS OF LAW

I.

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

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 fees were not submitted to the Division of Water Resources the permit cannot be granted.

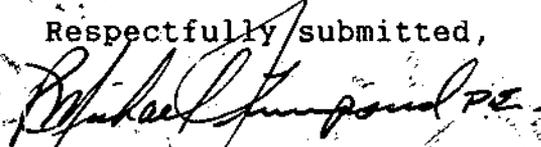
² NRS Chapters 533 and 534.

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Application 60436 is hereby denied on the grounds that the applicants have failed to timely submit the statutory permit fees.

Respectfully submitted,



R. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/RKM/ab

Dated this 24th day of
June, 1997.