

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

IN THE MATTER OF APPLICATION)
67755 FILED TO CHANGE THE POINT)
OF DIVERSION, THE PLACE OF USE)
AND THE MANNER OF USE OF A)
PORTION OF THE PUBLIC WATERS OF)
AN UNDERGROUND SOURCE PREVIOUSLY)
GRANTED UNDER PERMIT 43480,)
CERTIFICATE 13229, WITHIN THE)
PAHRUMP VALLEY HYDROGRAPHIC BASIN)
(162) NYE COUNTY, NEVADA.)

RULING
#5403

GENERAL

I.

Application 67755 was filed on July 11, 2001, by Nye County to change the point of diversion, the manner of use and the place of use of 0.022 cubic feet per second, not to exceed 4.48 acre-feet annually, that being a portion of the water previously appropriated under Permit 43480, Certificate 13229. The proposed manner and place of use is for municipal purposes within all of T. 18S. through T.21S., R. 52E., T.18S. through T. 22S., R.53E., and those portions of T. 18S. through 22S., R.54E., lying within Nye County, with all of the aforementioned township descriptions inclusive and within the Mount Diablo Base and Meridian (M.D.B.&M). The proposed point of diversion is described as being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 15, T.20S., R.53E., M.D.B.&M. The existing point of the diversion is located within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 14, T.21S., R.53E., with the existing manner and place of use being for the irrigation of 4.80 acres of land located within the W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 14.¹

¹ File No. 67755, official records in the Office of the State Engineer.

FINDINGS OF FACT

I.

The Office of the State Engineer notified the applicant by letter dated August 18, 2003, that Application 67755 was ready to be approved and that in accordance with NRS § 533.435 it would be necessary to submit the statutory permit fee to the Office of the State Engineer. The applicant was 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 67755 would be subject to denial. The State Engineer finds that no filing fee was submitted in response to this notice.¹

II.

By certified mail dated October 28, 2003, the Deputy State Engineer notified the applicant that before further action could be taken towards the issuance of a permit, the \$109.00 permit fee must be submitted to the State Engineer's office. The applicant was 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 67755 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 67755; 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 67755 and said application must be denied.

² NRS chapters 533 and 534.

RULING

Application 67755 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/MB/jm

Dated this 28th day of
June, 2004.