

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

IN THE MATTER OF APPLICATION 72845)
FILED TO APPROPRIATE THE WATERS OF)
AN UNDERGROUND SOURCE WITHIN THE)
MESQUITE VALLEY (SANDY VALLEY))
HYDROGRAPHIC BASIN (163), CLARK)
COUNTY, NEVADA.

RULING

5586

GENERAL

I.

Application 72845 was filed on May 26, 2005, by Richard and Sue Trufitt to appropriate 0.0446 cubic feet per second of underground water for quasi-municipal purposes to service two residences. The proposed place of use is described as being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 16, T.24S., R.56E., M.D.B.&M. The proposed point of diversion is located within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 16.¹

FINDINGS OF FACT

I.

The Office of the State Engineer receives numerous water right applications on a daily basis, all of which must be accompanied by the statutory filing fee.² Once an application is accepted, the original water right application form is stamped, with the time and date of the filing. If payment is being made by check, the original check is also time stamped to record the filing. Once payment has been received in a timely manner, the water right application can proceed to the first stage of the review process. If the brief history associated with Application 72845 is reviewed, it can be seen that the application was received in the State Engineer's office on May 26, 2005, accompanied by a personal check from the bank account of Richard M. Trufitt. This check was deposited into the State of Nevada's

¹ File No. 72845, official records in the Office of the State Engineer.

² NRS § 533.435.

general fund account on May 27, 2005, in accordance with standard office procedure. An actual transfer of funds did not occur, with the original check from the applicant returned to the State Engineer's office stamped, "NSF" by the Bank of America, N. A. The State Engineer finds that the statutory filing fee for Application 72845 has not been received by the Office of the State Engineer as required under NRS § 533.435.

CONCLUSIONS

I.

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

II.

The State Engineer concludes that the applicants have failed to provide the statutory filing fee required for Application 72845; therefore, it can be considered for denial.

RULING

Application 72845 is hereby denied on the grounds that the applicants have failed to submit the statutory application fee.

Respectfully submitted,



Hugh Ricci, P.E.
State Engineer

HR/MB/jm

Dated this 13th day of
March, 2006.

³ NRS chapters 533 and 534.