

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

IN THE MATTER OF APPLICATION 70442 )  
FILED TO CHANGE THE POINT OF )  
DIVERSION AND THE PLACE OF USE OF A )  
PORTION OF THE WATERS OF AN )  
UNDERGROUND SOURCE HERETOFORE )  
APPROPRIATED UNDER PERMIT 68091, )  
WITHIN THE LAS VEGAS VALLEY )  
ARTESIAN BASIN (212), CLARK COUNTY, )  
NEVADA. )

**RULING**

**#5387**

**GENERAL**

**I.**

Application 70442 was filed on September 29, 2003, by Felica Spinogatti, to change the point of diversion and place of use of 2.0 acre-feet of underground water, that being a portion of the water right previously granted under Permit 68091. The proposed point of diversion and place of use are described as being within the SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 8, T.19S., R.59E., M.D.B.&M. The initial manner of use is not being requested for change; therefore, it remains quasi-municipal.<sup>1</sup>

**FINDINGS OF FACT**

**I.**

Under the provisions of NRS § 533.370(a) and NRS § 533.435, the State Engineer shall consider an application submitted in proper form, which contemplates the application of water to a beneficial use if the application is accompanied by the prescribed fees and meets all other statutory requirements. Upon receipt of an application, the State Engineer shall make an endorsement thereon of the date of its receipt and shall keep a record of the

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<sup>1</sup> File No. 70442, official records in the Office of the State Engineer.

date.<sup>2</sup> On September 29, 2003, Application 70442 was filed in the Office of the State Engineer accompanied by Check No. 468 drafted in the amount of \$195.00. Subsequently, State Engineer's Receipt No. 171381 was issued to Felicia L. Spinogatti to acknowledge the receipt of Check No. 468.

**II.**

The personal check submitted by Felicia L. Spinogatti for the payment of the application fee under Application 70442 was returned to the State Engineer's office stamped with the notation, "Insufficient Funds".<sup>1</sup> The State Engineer finds that the applicant has failed to submit the statutory application fee required for Application 70442.

**CONCLUSIONS**

**I.**

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

**II.**

Before an application can be considered for approval, the Office of the State Engineer must collect the associated statutory filing fee. Payment for the application fee under Application 70442 was attempted through a personal check, which was submitted with the application. This method of payment was rejected when the check was returned due to a lack of sufficient funds in the applicant's bank account. The State Engineer concludes that the Office of the State Engineer has not collected the statutory application fee required for the filing of Application 70442; therefore, this application must be denied.

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<sup>2</sup> NRS § 533.355.

<sup>3</sup> NRS chapters 533 and 534.

**RULING**

Application 70442 is hereby denied on the grounds that the applicant has failed to submit the statutory application filing fee.

Respectfully submitted,



Hugh Ricci, P.E.  
State Engineer

HR/MDB/jm

Dated this 18th day of  
June, 2004.