

IN THE MATTER OF PERMITS TO APPROPRIATE WATER,)
SERIAL NUMBERS 12988 TO 12993, INCLUSIVE, :
IN NAME OF U. S. OF AMERICA, U. S. NAVAL : ORDER
AMMUNITION DEPOT, HAWTHORNE, NEVADA.)

Applications to appropriate underground water, Nos. 12988 to 12993, inclusive, were filed July 29, 1949 by the United States Government. Said filings were made by J. S. Crenshaw, Captain, U. S. Navy Commanding Officer, Naval Ammunition Depot, Hawthorne, Nevada.

Water was to be developed by means of deep wells and used for domestic and municipal purposes within the confines of the Naval Ammunition Depot.

On January 9, 1950 permits were issued under these applications. Under the provisions of said permits, proofs of commencement of work were to be filed on or before July 27, 1950 and proofs of completion on or before July 27, 1951 and proofs of beneficial use on or before July 27, 1952.

On June 5, 1950 proofs of commencement and completion were filed under said permits. The said proofs showed that deep wells had been drilled and cased, and that pumps and electric motors had been installed.

Application for extension of time within which to file proofs of beneficial use under said permits were filed September 18, 1952, December 11, 1953 and July 27, 1954. Such extensions of time were granted and by virtue of the last extension permittee had until July 27, 1955 within which to file said proofs of beneficial use.

Proofs of beneficial use under said permits not having been filed on or before July 27, 1955, the state engineer sent the "third and final notice" by registered mail to the permittee, advising that if said proofs of beneficial use or application requesting extension of time within which to file said proofs were not filed within thirty (30) days of said notice, said permits would be cancelled.

By letter dated July 25, 1955, signed by W. S. Mayer, Jr., Captain, U. S. Navy, Commanding Officer, U. S. Naval Ammunition Depot, Hawthorne, Nevada, and addressed to Hugh A. Shamberger, State Engineer, Carson City, Nevada, the state engineer was advised as follows:

"This will acknowledge receipt of your letter of 31 May 1955 regarding water right applications 12988 - 12993 inclusive (Wells 1 through 6).

"This is to advise your office that the applications for water rights with regard to the wells are being dropped and no continuing action is expected. This action is a result of instructions from the Commandant, Twelfth Naval District who in turn has based his decision on a recent rule of the U. S. Supreme Court (Federal Power Commission vs State of Oregon).

"All of the wells on this Depot are located on reserved lands, that is, public lands which were withdrawn and reserved for the use of the Navy Department by executive orders."

On August 5, 1955, the State Engineer, Hugh A. Shamberger, addressed a reply to the aforementioned letter. This letter stated in part as follows:

"Please be advised that if these permits are cancelled August 27, 1955 then any diversion from said wells after that date will be illegal and contrary to the water law of this State. Further, and upon the advice of Attorney General Harvey Dickerson, should the Depot make such illegal diversions the State of Nevada will take the matter into Court."