

IN THE MATTER OF APPLICATION)
NO. 19372 FILED DECEMBER 5, 1960,)
BY ELLETA NOLTE TO APPROPRIATE)
WATER FROM AN UNDERGROUND SOURCE)
IN LANDER COUNTY, NEVADA. ...)

GENERAL:

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Application No. 19372 was filed December 5, 1960, by Elleta Nolte for permission to appropriate 2.7 c.f.s. of water from an underground source for irrigation (130 acres) and domestic purposes. The point of diversion is described as within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 2, T. 27 N., R. 43 E., M.D.B. & M. The place of use is described as within the NE $\frac{1}{4}$ Section 2, T. 27 N., R. 43 E. M.D.B. & M.

Application No. 19372 was ready for action on April 3, 1961, and a Permit was issued on July 26, 1961 for 2.7 c.f.s. of water for irrigation and domestic purposes. Application and Permit No. 19372 was assigned by deed dated October 21, 1964, from Elleta Nolte to Loren M. Rice and filed December 3, 1964, in the office of the State Engineer. Desert Land Entry Nevada 046922 was issued a patent by the Bureau of Land Management on May 21, 1965.

The following summary is the order in which the Proofs of Work and Beneficial Use were submitted to the office of the State Engineer according to the terms of the Permit.

1. The Proof of Commencement of Work was due on February 26, 1962, and was extended upon application to February 26, 1963, and filed on that date.

2. The Proof of Completion of Work was due on February 26, 1963, and was extended upon application to February 26, 1964, and again extended by a second application to August 26, 1964. The Proof of Completion of Work was filed on August 31, 1964.

3. The Proof of Beneficial Use together with a cultural map was due on February 26, 1965, and was extended upon application to February 26, 1966. A second application for an extension of time was granted to February 26, 1967. A third application for an extension of time was granted to May 26, 1967. The Proof of Beneficial Use and cultural map were submitted to the office of the State Engineer on June 23, 1967, by J. R. Caldwell, State Water Right Surveyor.

A field investigation was made by Mr. Thomas J. Smales, a representative of the office of the State Engineer, on June 26, 1967, to examine the extent of the beneficial use under Permit No. 19372. Mr. Smales found no culture as evidence of application of water to a beneficial use on any portion of the land claimed under the Proof of Beneficial Use deposition submitted June 23, 1967.

The permittee was advised by a copy of a letter forwarded by certified mail dated July 11, 1967, with the original to Mr. J. R. Caldwell, also forwarded by certified mail, to submit conclusive evidence of the quantity of water that was beneficially used and to state the total number of acres with the dates of the productive culture. An affidavit dated October 17, 1967, was received in the office of the State Engineer on October 18, 1967, stating that Warren W. Rice, Rex E. Catt and Mark Roberts have leveled and furrowed and watered the subject parcel of land. The affidavit contains no specific statement as to the number of acres in cultivation, the type of cultivation, the quantity of water used for irrigation or the dates of the irrigation period.

RULING

Application and Permit No. 19372 is herewith cancelled on the grounds that the permittee has failed to comply with the provisions of the Permit by applying the water to beneficial Use.

Respectfully submitted,


Roland D. Westergard
State Engineer

RDW:WJN:jw

Dated this 24th
day of October, 1967