

IN THE MATTER OF APPLICATION)
33306 FILED TO APPROPRIATE)
WATER FROM AN UNDERGROUND) R U L I N G
SOURCE IN GARDEN VALLEY,)
NYE COUNTY, NEVADA)

2456

172

GENERAL

Application 33306 in the name of Robert G. Simmons was filed on August 23, 1977, to appropriate 2.7 c.f.s. from an underground source for irrigation and domestic purposes. The point of diversion is described as being in the NW 1/4 SW 1/4 Section 1, T.2N., R.56E., M.D.B. & M. The place of use is described as 160 acres in the SW 1/4 of Section 1, T.2N., R.56E., M.D.B. & M.

Under "Remarks" it states the application was filed to support Carey Act Application 1541.

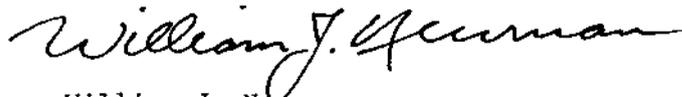
On May 30, 1978, in conformance with procedure set out under NRS 533.355, the State Engineer returned Application 33306 for correction by certified mail with a description of the defects in the application. The return for correction notice is made a part of this Ruling by reference.

Application 33306 was canceled August 14, 1978, for failure of the applicants to submit the required supporting map within the statutory time limit described under NRS 533.355. Subsequent to the cancellation, a supporting map and amended application were located in the State Engineer's Office. Evidence on them, namely, the required date stamp indicated that they were received prior to the deadline of July 29, 1978, specified in the notice.

RULING

The cancellation of Application 33306 is herewith rescinded on the grounds that the applicant properly complied with the certified return for correction notice dated May 30, 1978, and that the supporting map and amended application as required under NRS 533.350 were timely received in this office.

Respectfully submitted,



William J. Newman
State Engineer

WJN/TFH/jm

Dated this 25th day

of APRIL, 1979.