

IN THE MATTER OF APPLICATION)
36330 FILED TO CHANGE THE POINT)
OF DIVERSION OF PERMIT 30262 IN)
MASON VALLEY, LYON COUNTY,)
NEVADA.)

R U L I N G

108

GENERAL

442-11
Application 36330 was filed December 21, 1978 by Richard H. Holbrook, Jr. to change the point of diversion of 3.4. c.f.s. of the waters of an underground source heretofore appropriated under Permit 30262. The point of diversion is described as being in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 32, T.13N., R.26E., M.D.B.&M. The place of use is described as 200 acres in the E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 31, W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 32 all in T.13N., R.26E., M.D.B.&M.

On January 31, 1979, in conformance with procedure set out under NRS 533.355, the State Engineer returned Application 36330 for correction by certified mail with a description of the defects in the application and a request for a supporting map.

Application 36330 was cancelled April 3, 1979 for failure of the applicant to submit Amended Application within the statutory time limit described under NRS 533.355. Subsequent to the cancellation, the Amended Application was located in the State Engineer's office. Evidence on the Amended Application, namely, the required date stamp indicated that it was received prior to the deadline of April 1, 1979, specified in the notice.

RULING

The cancellation of Application 36330 is herewith rescinded on the grounds that the applicant properly complied with the certified return for correction notice dated January 31, 1979, and that the supporting map and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

William J. Newman
State Engineer

WJN:DC:jw

Dated this 10th day of
August, 1979.