

IN THE MATTER OF APPLICATIONS 38598, 38599,)
AND 38600 TO APPROPRIATE WATER FROM SEPARATE)
UNDERGROUND SOURCES IN PAHRUMP VALLEY, CLARK)
COUNTY, NEVADA)

R U L I N G

FINDINGS OF FACT

I

Application 38598 was filed on July 19, 1979, in the name of Lawrence W. Smith to appropriate 5.4 c.f.s. of water from an underground source to be located within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 6, T.23S., R.55E., M.D.B. & M., for irrigation use on 318.43 acres located within Lots 7 and 10, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ Section 6, W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 5, T.23S., R.55E., M.D.B. & M.

Application 38599 was filed on July 19, 1979 in the name of Terry D. Smith to appropriate 5.4 c.f.s. of water from an underground source to be located within Lot 2, Section 6, T.23S., R.55E., M.D.B. & M., for the irrigation of 316.96 acres located within Lots 1, 2, 3, 4, 5, SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ said Section 6.

Application 38600 was filed on July 19, 1979, in the name of Donald R. Hudson to appropriate 5.4 c.f.s. of water from an underground source to be located within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 7, T.23S., R.55E., M.D.B. & M., for the irrigation of 308.86 acres located within Lots 1, 2, 6, 7, 8, 10, 11, 13, and 14, and the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 18, T.23S., R.55E., M.D.B. & M.

Applications 38598, 38599, and 38600 were filed by Ivan E. Nanney acting as agent for the above described applicants.

II

As provided under NRS 533.355, Applications 38598, 38599, and 38600 were returned for correction to Ivan E. Nanney under separate certified letters dated November 8, 1979. A copy of each letter was sent by certified mail to each of the individual applicants. The deadline for the refiling of an acceptable amended application as established by that certified notice was January 6, 1980, under all three applications.

III

On January 19, 1980, Applications 38598, 38599 and 38600 were canceled by the State Engineer for failure to file an amended application and supporting map within the deadline.

IV

In accordance with the provisions of NRS 533.435, a refund of \$75.00 was made to Ivan E. Nanney as a return of the \$25.00 publication fee under each canceled application.

V

Subsequent to the cancellation of the three applications and the refund of the publication fee, it was found that amended applications had in fact been received in the Elko Branch Office of the State Engineer on January 4, 1980, along with the required supporting map under each application. All three amended applications and their supporting maps bear the stamp of the Elko Branch Office along with the receipt date of January 4, 1980. The amended applications and maps were forwarded and received by the State Engineer's office on January 10, 1980, as indicated by a time stamp on each reflecting that date.

CONCLUSIONS

The State Engineer has jurisdiction of the subject matter of this action in accordance with the provisions of NRS 533.325 and 533.355.

II

The filing of an amended application and/or supporting map in the Elko Branch Office of the State Engineer is considered to comply with the requirements for filing in the office of the State Engineer.

III

The filing of amended Applications 38598, 38599, and 38600 on January 4, 1980, in the Elko Branch of the office of the State Engineer met the deadline for said filings as established by State Engineer's certified notice dated November 8, 1979, which established a deadline of January 6, 1980.

IV

It will be necessary that the publication fee under each application which was refunded to Ivan E. Nanney be resubmitted to the State Engineer's office before publication can be made of the three applications.

RULING

The cancellation of Applications 38598, 38599, and 38600 is herewith rescinded, and a period of 30 days from the date of this ruling is herewith allowed for resubmission of the statutory publication fee under each application. Upon resubmission of the \$25.00 publication fee, notice of each application will be published in accordance with the requirements of NRS 533.360.

Respectfully submitted,

William J. Newman

William J. Newman
State Engineer

WJN/BAR/gk

Dated this 26th day
of JUNE, 1980.