

IN THE MATTER OF APPLICATION 38848 FILED )  
BY A. J. HUBBARD AND TONY CONETTO FOR )  
PERMISSION TO APPROPRIATE 1.5 C.F.S. OF )  
WATER FROM AN UNNAMED STREAM IN DOUGLAS )  
COUNTY, NEVADA )

R U L I N G

GENERAL

Application 38848 was filed by A. J. Hubbard and Tony Conetto on August 21, 1979, for permission to appropriate 1.5 c.f.s. of water from an unnamed stream for placer mining purposes. The point of diversion is located within the NW $\frac{1}{4}$  NE $\frac{1}{4}$  Section 16, T.13N., R.23E., M.D.B. & M., and water will be diverted from an intermittent stream tributary to Artesia Lake in Smith Valley. The place of use is described as various subdivisions of Sections 3, 4, 9, 10, 15, 22 and 27, T.13N., R.23E., M.D.B. & M.

Application 38848 was ready for action on April 26, 1980. No protests were filed against Application 38848.

A letter was sent by certified mail to the applicants on June 12, 1980, requesting additional information regarding the proposed appropriation. A copy of the letter was sent by certified mail to George H. Denson, agent for the applicants.

On June 19, 1980, a letter containing the required information from Alcade J. Hubbard, one of the applicants under Application 38848, was received in the office of the State Engineer. The letter contained the information requested. This letter was inadvertently mislaid and did not become part of the official record. Therefore, Application 38848 was denied by State Engineer's Ruling No. 2578, dated August 13, 1980, on the grounds that the proposed appropriation would be detrimental to the public interest without the information requested.

After Ruling No. 2578 was issued, the letter from Alcade J. Hubbard that was received on June 19, 1980, was found.

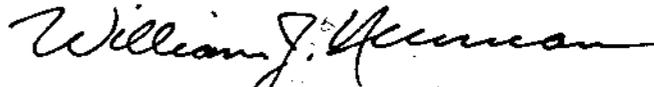
CONCLUSION

Since the letter contained the required information, and since there is unappropriated water in the source, and the proposed appropriation will not be detrimental to existing rights, or otherwise detrimental to the public interest, the State Engineer is required by law to approve the proposed appropriation.

RULING

Ruling No. 2578 is rescinded, and a permit will be issued under Application 38848 upon payment of the required permit fees.

Respectfully submitted,



William J. Newman  
State Engineer

WJN/JCP/gk

Dated this 26th day  
of AUGUST, 1980.