

)) IN THE MATTER OF THE REINSTATEMENT  
OF CANCELED APPLICATION 39902, THE  
CARSON DESERT, CHURCHILL COUNTY, }  
NEVADA }

R U L I N G

FINDINGS OF FACT.

I

Application No. 39902 was filed on December 6, 1979, in the name of Glen Weston to appropriate 1.0 c.f.s. of water from an underground source to be located within the NE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 1, T.18N., R.26E., M.D.B. & M., for irrigation on 40 acres. The proposed place of use is described as the NE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 1, T.18N., R.26E., M.D.B. & M.

The above application to appropriate water was filed under the signature of Richard Whitney, as agent for Glen Weston.

II

In accordance with the provisions of NRS 533.355, a certified notice dated May 13, 1980, was mailed to Richard Whitney with an individual certified copy sent to Glen Weston, thereby notifying the applicant a supporting map prepared by a licensed water right surveyor was required to be filed with the State Engineer's office within sixty days of said notice, on or before July 12, 1980, or the application would be subject to cancellation.

III

Application No. 39902 was canceled July 17, 1980, for failure to file a supporting map within the statutory time limitation established by the May 13, 1980 notice.

IV

In accordance with the provisions of NRS 533.435, a refund of \$25.00 was made to the agent, Richard Whitney, as a return of the publication fee.

V

It was subsequently found that an acceptable supporting map was filed on June 19, 1980, which precedes the July 17, 1980 deadline established by the notice of May 13, 1980.

CONCLUSIONS

I

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

II

The filing of the map within the established deadline satisfies the requirements of timely filing.

III

It will be necessary for the publication fee under this application be resubmitted to the State Engineer's office before publication.

RULING

The cancellation of Application 39902 is herewith rescinded. A period of 30 days from the date of this ruling is herewith allowed for resubmission of the statutory publication fee under this application. Upon submission of the \$25.00 publication fee, the application shall be processed toward publication in accordance with provisions of NRS 533.360.

Respectfully submitted,



William J. Newman  
State Engineer

WJN/GMT/gk

Dated this 12th day  
of JANUARY, 1981.