

IN THE MATTER OF THE REINSTATEMENT )  
OF CANCELLED APPLICATIONS 37260, )  
37307, 37308, 37309, 37312 IN )  
THE AMARGOSA DESERT, NYE COUNTY, )  
NEVADA )

RULING

FINDINGS OF FACT

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I

Application 37260 was filed on March 28, 1979 in the name of Louise K. Devereaux to appropriate 5.0 c.f.s. of water from an underground source to be located within the NW $\frac{1}{4}$  SW $\frac{1}{4}$  Section 5, T.17S., R.49E., M.D.B. & M. for irrigation and domestic use on 320 acres. The proposed place of use is described as the W $\frac{1}{2}$  of Section 5, T.17S., R.49E.

Application 37307 was filed on March 29, 1979 in the name of Jean M. Records to appropriate 5.0 c.f.s. of water from an underground source located within the NW $\frac{1}{4}$  SW $\frac{1}{4}$  Section 6, T.17S., R.49E., M.D.B. & M. for irrigation and domestic use on 320 acres located within the W $\frac{1}{2}$  of said Section 6.

Application 37308 was filed on March 29, 1979 in the name of Cheryl L. Records to appropriate 5.0 c.f.s. of water from an underground source located within the NE $\frac{1}{4}$  Section 6, T.17S., R.49E., M.D.B. & M. for the irrigation of 320 acres within the E $\frac{1}{2}$  of said Section 6.

Application 37309 was filed on March 29, 1979 in the name of Lon H. Records to appropriate 5.0 c.f.s. of water from an underground source located within the NW $\frac{1}{4}$  SW $\frac{1}{4}$  Section 4, T.17S., R.49E., M.D.B. & M. for irrigation and domestic use on 320 acres located within the W $\frac{1}{2}$  of said Section 4.

Application 37312 was filed on March 29, 1979 in the name of Richard C. Records to appropriate 5.0 c.f.s. of water from an underground source located within the NW $\frac{1}{4}$  SW $\frac{1}{4}$  Section 8, T.17S., R.49E., M.D.B. & M. for irrigation and domestic use on 320 acres within the W $\frac{1}{2}$  of said Section 8.

All of the above described applications to appropriate water were filed under the signature of H. H. Records as agent for the individual applicants.

II

In accordance with the provisions of NRS 533.355, a certified notice dated August 14, 1979 was mailed to H. H. Records, with an individual certified letter to each of the applicants, whereby they were notified that an amended application bearing corrections as noted by that notice and a supporting map prepared by a licensed water right surveyor were

to be filed with the State Engineer's office within sixty (60) days of the date of that notice, on or before October 13, 1979. Accordingly, an amended application was filed under each on October 11, 1979. In addition, a single map prepared by State Water Right Surveyor Richard L. Hafen was received on October 11, 1979 showing all five individual points of diversion and showing the place of use of all five applications and bearing the name of all five applicants.

III

It is the policy of the State Engineer's office that each application to appropriate water must be supported by a map bearing the same name as the applicant. In the case of the five applications which are the subject of this ruling, since they were all filed in different names it would therefore be the policy of this office that separate maps would be required under each application. By letter dated March 4, 1980 from the State Engineer's office, the individual applicants and their agent, Richard L. Hafen, were notified that they must either file separate maps under each of the individual applications or that it would be required that they assign all five applications into the common ownership of all five applicants in order that each application could be supported by the single map. No response was received to that letter.

By certified letter dated April 11, 1980 to each of the applicants and to Mr. Richard L. Hafen, notice was again given that it would be required that either individual maps be submitted or that all of the applications be assigned into the common ownership of the five applicants. A period of thirty days from the date of that letter was further allowed within which response would be required, after which the applications would be subject to cancellation for failure to comply with the requirements of the State Engineer's office.

No response was received by the State Engineer's office within the thirty day period after April 11, 1980, and all five applications were cancelled on May 27, 1980.

IV

Subsequent to the cancellation of the applications which are the subject of this ruling, the Las Vegas Branch Office of the Division of Water Resources informed the State Engineer's office that five separate quit-claim deeds and the appropriate filing fee had, in fact, been received by that office on May 19, 1980 for the assignment of the individual applications into the common ownership of Louise K. Devereaux, Jean M. Records, Cheryl L. Records, Lon H. Records and Richard C. Richards. Said deeds were therefore submitted to the Las Vegas Branch Office prior to the cancellation of the applications on May 27, 1980.

CONCLUSIONS

I

The Nevada State Engineer has jurisdiction in this matter under the provisions of NRS 533.325 through NRS 533.360.

II

The required amended applications and supporting map under Applications 37260, 37307, 37308, 37309 and 37312 were timely submitted within the sixty day period allowed by the State Engineer's return for correction notice dated August 14, 1979.

III

Separate deeds for the assignment of the individual applications into the common ownership of Louise K. Devereaux, Jean M. Records, Cheryl L. Records, Lon H. Records, and Richard C. Records were received by the Las Vegas Branch of the Division of Water Resources on May 19, 1980, prior to the cancellation of the applications which took place on May 27, 1980.

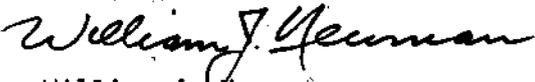
IV

The filing of documents in the Las Vegas Branch Office within a deadline established by the Carson City office of the Division of Water Resources is considered by the State Engineer to meet the requirements for timely filing.

RULING

The cancellation of Applications 37260, 37307, 37308, 37309 and 37312 is herewith rescinded and said applications are hereby reinstated to a valid and active status. The individual applications will be assigned into the single ownership of Jean M. Records, Louise K. Devereaux, Cheryl L. Records, Lon H. Records and Richard C. Records on the strength of the five individual deeds submitted to the Division of Water Resources for that purpose. Said applications will be processed toward publication in accordance with the requirements of NRS 533.360.

Respectfully submitted,

  
William J. Newman  
State Engineer

Dated this 6th day of  
November, 1980

WJN/BAR/js