

IN THE MATTER OF APPLICATIONS 35113 )  
THROUGH 35116, INCLUSIVE, AND 35390 )  
THROUGH 35393, INCLUSIVE, FILED TO )  
APPROPRIATE THE PUBLIC WATERS OF AN )  
UNDERGROUND SOURCE IN THE KELLEY )  
CREEK GROUND WATER BASIN, HUMBOLDT )  
COUNTY, NEVADA. )

RULING

FINDINGS

I.

Applications 35113 through 35116, inclusive, were filed on March 14, 1978, by Wm. Henry Scott to change the point of diversion and place of use of water from an underground source heretofore appropriated under Permits 29170 through 29173, inclusive, for irrigation and domestic purposes.<sup>1</sup>

II.

Applications 35390 through 35393, inclusive, were filed on May 5, 1978, by Wm. Henry Scott to change the point of diversion and place of use of water from an underground source heretofore appropriated under Permits 29169, 29174, 29167 and 29168, respectively, for irrigation and domestic purposes.<sup>2</sup>

III.

Permits 29167 through 29174, inclusive, were cancelled on July 13, 1978, for failure<sup>3</sup> of the permittee to comply with the provisions of the permit.

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<sup>1</sup> Public record in the office of the State Engineer under Applications 35113 through 35116, inclusive, and Permits 29170 through 29173, inclusive.

<sup>2</sup> Public record in the office of the State Engineer under Applications 35390 through 35393, inclusive, and Permits 29169, 29174, 29167 and 29168.

<sup>3</sup> Public record in the office of the State Engineer under Permits 29167 through 29174, inclusive. Subsequent to the cancellations, a Petition for Judicial Review was filed in the Sixth Judicial District Court of the State of Nevada, Case No. 8783. On May 18, 1981, an Order of Dismissal was entered by the Court and the action was dismissed.

CONCLUSIONS

I.

Permits 29167 through 29174 have been cancelled on the records of the State Engineer's office as required by statute, therefore, no rights exist to be changed under Applications 35113, 35114, 35115, 35116, 35390, 35391, 35392 and 35393.<sup>4</sup>

RULING

Applications to change the waters of an underground source, 35113, 35114, 35115, 35116, 35390, 35391, 35392 and 35393, are herewith denied on the grounds that the existing permits that the applications propose to change have been cancelled and, therefore, no existing water rights are available under the proposed changes.

Respectfully submitted



Peter G. Morros  
State Engineer

PGM/bl

Dated this 13th day of  
AUGUST, 1984.

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<sup>4</sup> NRS 533.390.