

On August 15, 1955 Captain W. S. Mayer, Jr. replied to the State Engineer's letter of the 5th as follows:

"This acknowledges your letter of 5 August 1955 relative to water right applications 12988 - 12993 inclusive (Wells Nos. 1 through 6). This is to confirm the statements made in my previous letter of 25 July 1955, in which I advised that the applications for water rights with regard to the wells located on lands withdrawn from Public Domain are being dropped. This action is a result of instructions originating from the Chief of the Bureau of Yards and Docks, Navy Department, who in turn, has based his decision on a recent ruling of the Supreme Court (Federal Power Commission vs. State of Oregon, 349, U. S. 435)."

ORDER

Having failed to file proofs of beneficial use and having failed to make application for extensions of time within which to file said proofs within the statutory period as provided by law, Permits Nos. 12988, 12989, 12990, 12991, 12992, and 12993 are herewith cancelled as of August 28, 1955.

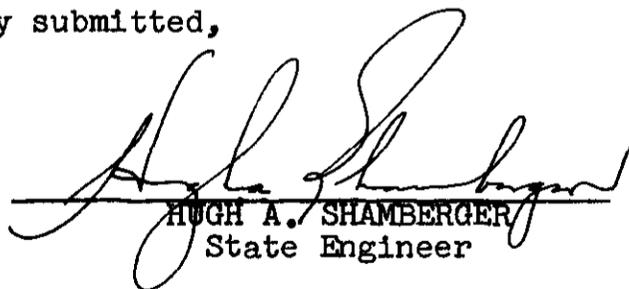
From the above quoted letters from Captain W. S. Mayer, Jr., Commanding Officer, it is evident that the U. S. Government plans on the continued use of water from the six wells and that in view of the recent U. S. Supreme Court decision, Federal Power Commission vs. State of Oregon, it is felt by the Government that these wells situated on reserved lands are not within the jurisdiction of the water laws of the State of Nevada.

That the rule laid down in the cited Supreme Court Case is not applicable to the use of ground-water in Nevada and for that reason the ground-water laws of this State apply to the instant case.

It is therefore the opinion of the state engineer that the use of ground-water from said wells without permits to appropriate water is contrary to the laws of this State and any such use thereof is an illegal use.

It is hereby the Order of the state engineer that unless steps be taken within thirty (30) days from the date of this Order to reinstate said permits, either by filing proofs of beneficial use or filing applications for extension of time within which to file said proofs, that the use of water from said wells cease.

Respectfully submitted,


HUGH A. SHAMBERGER
State Engineer

Dated this 7th day of
September, 1955.