

IN THE MATTER OF APPLICATIONS 22503 }  
22504 and 22568, and 22569, filed }  
BY W. S. HILL, IN PARADISE VALLEY, }  
HUMBOLDT COUNTY, NEVADA }

R U L I N G

GENERAL:

Application 22503 was filed on March 22, 1965, by W. S. Hill, for 10.0 c.f.s. of the waters of an underground source to be diverted within the NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 16, T. 39N., R. 39E., M.D.B.&M., and to be used for the irrigation of 640 acres within said Section 16.

Application 22504 was filed on March 22, 1965, by W. S. Hill, for 10.0 c.f.s. of the waters of an underground source to be diverted within the SE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 16, T. 39N., R. 39E., M.D.B.&M. and to be used for the irrigation of 640 acres within said Section 16.

The map to support these applications was filed March 22, 1965, and the applications were forwarded for publication April 6, 1965. By letter Dated April 30, 1965, W. J. Newman, State Water Right Surveyor, who prepared the map for Mr. Hill, informed this office that an error had been made in the description of the point of diversion and place of use, in that the corrected description should have read T. 38N., R. 39E., M.D.B.&M., rather than T. 39N., R. 39E. Accompanying this letter were two new applications with the required filing fee.

Application 22568 was filed on May 4, 1965, by W. S. Hill, for 10.0 c.f.s. of the waters of an underground source to be diverted within the NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 16, T. 38N., R. 39E., M.D.B.&M. and to be used for the irrigation of 640 acres within said Section 16.

Application 22569 was filed on May 4, 1965, by W. S. Hill, for 10.0 c.f.s. of the waters of an underground source to be diverted within the SE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 16, T. 38N., R. 39E., M.D.B.&M. and to be used for the irrigation of 640 acres within said Section 16.

A letter dated June 1, 1965, from W. J. Newman, State Water Right Surveyor, requested the withdrawal of Applications No. 22503 and 22504, because of the error in preparing the applications and supporting maps. This letter was not referenced in Applications No. 22503 and 22504 and the applications were not withdrawn as requested.

On March 16, 1966, we forwarded notice of permit fees under Applications 22503 and 22504, to Mr. Hill, for the amount of \$74.00. Mr. Hill submitted the required fees on March 28, 1966 and permits were issued under these applications on April 29, 1966.

On December 22, 1966, Mr. Hill submitted applications for extension of time for filing the Proofs of Commencement of Work under Applications 22503 and 22504, with the required fee of \$5.00 for each application.

## OPINION

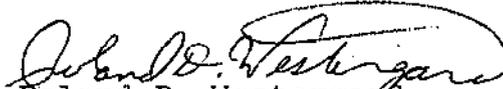
It is our opinion that a clerical error exists in the office of the State Engineer in that Applications 22503 and 22504 were not withdrawn as requested in Mr. Newman's letter of June 1, 1965.

This clerical error has caused the applicant to forward the \$74.00 in the permit fees and \$10.00 in fees for extensions of time, which should not have been required.

## RULING

It is hereby ruled that the \$74.00 fee submitted by the applicant, W. S. Hill, under Applications 22503 and 22504 shall be credited as fees for issuing and recording permits under Applications 22568 and 22569. Applications 22503 and 22504 will be shown on the records of this office as "withdrawn by Applicant" as of June 2, 1965 in accordance with Mr. Newman's letter of June 1, 1965. It is further ruled that W. S. Hill is entitled to a refund of \$10.00, fees submitted for extensions of time under Applications 22503 and 22504.

Respectfully Submitted,

  
Roland D. Westergard  
Assistant State Engineer

RDW:TJS:jb

Dated This 8th Day  
of March, 1967