

IN THE MATTER OF APPLICATION 19794)
FILED BY RICHARD B. DAY FOR PERMISSION)
TO APPROPRIATE WATER FROM AN UNDERGROUND)
SOURCE IN LYON COUNTY, NEVADA)

R U L I N G

GENERAL:

Application 19794 was filed by Richard B. Day on May 1, 1961 for permission to appropriate 6.0 c.f.s. of water from an underground source for irrigation (280 acres) and domestic purposes. The proposed point of diversion is described as SW $\frac{1}{2}$ SE $\frac{1}{2}$ Section 3, T. 11 N., R. 23 E., M.D.B.&M. The proposed place of use is described as SE $\frac{1}{2}$, S $\frac{1}{2}$ NE $\frac{1}{2}$ Section 3, T. 11 N., R. 23 E., M.D.B.&M. and the NE $\frac{1}{2}$ SW $\frac{1}{2}$ Section 34, T. 12 N., R. 23 E., M.D.B.&M. The ground covered by this application has the following water rights appurtenant thereto.

Certificate 3920, subject of Permit 12575 of record in the name of Mile Hi Investment Co., issued for 1.0 c.f.s. of water from an underground source located within the SW $\frac{1}{2}$ SE $\frac{1}{2}$ Section 3, T. 11 N., R. 23 E., M.D.B.&M. for irrigation of 25.5 acres within SW $\frac{1}{2}$ NE $\frac{1}{2}$ and W $\frac{1}{2}$ SE $\frac{1}{2}$ said Section 3. This application was originally filed by Richard B. Day but assigned January 2, 1961 to William F. and Katherine Walker and assigned by William F. and Katherine Walker to Mile Hi Investment Co. January 31, 1961. Deeds are on file in this office which could be used to assign this permit into the names of Vernon F. and Ruth A. Bryan.

Certificate 6464, subject of Permit 20491 of record in the name of Vernon F. and Ruth A. Bryan was issued for 4.7 c.f.s. of water from an underground source for irrigation of 215.1 acres and domestic purposes. The point of diversion is described as within the SW $\frac{1}{2}$ SE $\frac{1}{2}$ Section 3, T. 11 N., R. 23 E., M.D.B.&M. The place of use is described as portions of the S $\frac{1}{2}$ NE $\frac{1}{2}$, SE $\frac{1}{2}$ said Section 3. This application was originally filed May 28, 1962 by Mile Hi Investment Company and assigned to Vernon F. and Ruth A. Bryan on February 21, 1963.

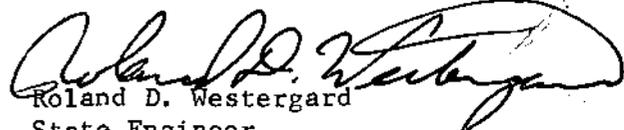
Letters dated November 20, 1961, December 6, 1961 and January 8, 1962 were sent to Mr. Vernon F. Bryan requesting clarification of the ownership of the land covered by Application 19794 and ownership of the application. A letter was sent to the applicant--Mr. Richard B. Day April 20, 1962 requesting information regarding ownership of the land for water right concerned. A reply, dated May 15, 1962 was received from Laxalt and Laxalt representing the applicant requesting an extension of time for action to be taken on this application.

Letters dated May 18, 1962, December 22, 1965, November 15, 1968, September 29, 1969 and October 22, 1969 were sent to the attorneys representing Mr. Day, requesting that the matter of ownership under this application be clarified. A reply dated October 24, 1969 from the law firm of Laxalt, Berry, Allison and LeBaron stated that a letter was being directed to Mr. Glen Devenpeck regarding withdrawal of this application. No further correspondence has been received under this application.

RULING

Application 19794 is herewith denied on the grounds that evidence of record indicates that the applicant has conveyed interest in the proposed place of use to other parties and therefore does not contemplate the application of water to beneficial use under this permit. Similarly the party to which the proposed place of use under the application has been transferred has not completed title to application 19794 and has in fact secured Permit 20491 (Certificate 6464) in lieu of pursuing Application 19794.

Respectfully submitted,


Roland D. Westergard
State Engineer

RDW:RRD:jls

Dated this 17th day

of February, 1970.