

IN THE MATTER OF APPLICATION )  
39109 TO APPROPRIATE WATER )  
FROM AN UNDERGROUND SOURCE IN ) RULING  
MARY'S RIVER AREA, ELKO COUNTY, )  
NEVADA )

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GENERAL

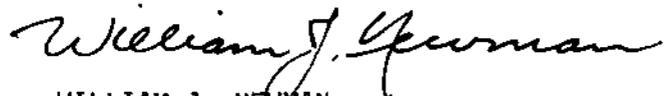
An application to appropriate water in the name of John Joseph Lawler III was received by the State Engineer's Office on August 31, 1979. The form was headed "Amended Serial No. 37442", and accompanied with a check in the amount of \$35.00. After a brief review of file No. 37442 it was concluded that the form was intended as amendment of Application No. 37442 and the \$35.00 was not required.

Upon later reexamination of the application form and check received August 31, 1979, it became apparent that the intent was not to amend Application No. 37442 but rather to apply for appropriation of water for stockwatering purposes. At that time the application was assigned Serial No. 39109. Due to the fact that the true intent of the Application form and check was not discovered until some time after the application was received, a number of applications were assigned sequential serial numbers lower than 39109 but which were received after August 31, 1979. If the Lawler application, now assigned Serial No. 39109, had been assigned a serial number at the time it was received, it would have received Serial No. 38898.

RULING

This ruling will serve as a finding and notice that the priority date of Application 39109 is established as August 31, 1979.

Respectfully submitted,



WILLIAM J. NEWMAN  
State Engineer

WJN:bk

Dated this 8th day  
of October 1979