

IN THE MATTER OF THE REIN-)
STATEMENT OF CANCELLED)
APPLICATION 40364, DAYTON)
VALLEY, LYON COUNTY, NEVADA)

R U L I N G

FINDINGS OF FACT

I

Application 40364 was filed January 21, 1980 in the name of George Allison and Barbara Allison to appropriate 0.11 c.f.s. of water from an underground source to be located within the NW1/4 SE1/4 of Sec. 34, T.18N., R.23E., M.D.B.&M., for quasi-municipal purposes. The proposed place of use is in the NW1/4 SE1/4 of Sec. 34; T.18N., R.23E., M.D.B.&M.

The above application was filed under the signature of James M. Hastings as agent for George and Barbara Allison.

II

In accordance with the provisions of NRS 533.355, a certified notice dated May 2, 1980 was mailed to James M. Hastings, with an individual certified copy sent to George and Barbara Allison, thereby notifying the applicant that a supporting map prepared by a licensed water right surveyor was required to be filed with the State Engineer's office within sixty days of said notice, on or before July 1, 1980, or the application would be subject to cancellation.

III

Application 40364 was cancelled July 11, 1980, for failure to file a supporting map within the statutory time limitation established by the May 2, 1980 notice.

IV

In accordance with the provisions of NRS 533.435, a refund of \$25.00 was made to Barbara Allison on July 17, 1980, as a return of the publication fee.

V

It was subsequently found that an acceptable supporting map was filed June 27, 1980, which precedes the July 1, 1980 deadline established by the notice of May 2, 1980.

CONCLUSIONS

I

The State Engineer has jurisdiction under this matter in accordance with the provisions of NRS 533.325 and NRS 533.355.

II

The filing of the map within the established deadline satisfies the requirements of timely filing.

III

It will be necessary for the publication fee under this application be resubmitted to the State Engineer's office before publication.

RULING

The cancellation of Application 40364 is herewith rescinded. A period of 30 days from the date of this ruling is herewith allowed for resubmission of the statutory publication fee under this application. Upon submission of the \$25.00 publication fee, the application shall be processed toward publication in accordance with provisions of NRS 533.360.

Respectfully submitted,



Peter G. Morris
State Engineer

Dated this 24 day of
August, 1981

PGM/bl