

IN THE OFFICE OF THE STATE ENGINEER
OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION 66062)
FILED TO CHANGE THE PLACE OF USE OF AN)
UNDERGROUND SOURCE WITHIN THE)
DIAMOND VALLEY HYDROGRAPHIC BASIN)
(153), EUREKA COUNTY, NEVADA)

RULING

#5007

GENERAL

I.

Application 66062 was filed on February 8, 2000, by Art R. and Frances Gale to change the place of use of 1.02 cubic feet per second (CFS), not to exceed 303.08 acre-feet annually, of underground water previously appropriated under Permit 57837 for irrigation and domestic purposes within the S $\frac{1}{2}$ SW $\frac{1}{4}$ Section 12, NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 13, the E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ and the SE $\frac{1}{4}$ of Section 24, E $\frac{1}{2}$ NW $\frac{1}{4}$ and the NE $\frac{1}{4}$ of Section 25, all within T.23N., R.52E., and the W $\frac{1}{2}$ W $\frac{1}{2}$ of Section 19 and the W $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 30, both within T.23N., R.53E., M.B.D.&M.¹ The proposed point of diversion is described as being located within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, of Section 13, T.23N., R.52E., M.D.B.&M.¹

FINDINGS OF FACT

I.

The applicant was notified by certified mail dated May 31, 2000, to file a Report of Conveyance to convey ownership of Permit 57837 to the applicant within sixty

¹ File No. 66062, official records in the office of the State Engineer

days of May 31, 2000.¹ The return receipt from this certified letter was received in the office of the State Engineer on June 5, 2000.¹

II.

Based upon a non-response to the above letter, Ruling 4999 was signed by the State Engineer on January 23, 2001, to deny Application 66062.²

III.

On January 26, 2001, the State Engineer received an E-mail from the applicants alleging that the Report of Conveyance requested by the above May 31, 2000, letter was filed on May 8, 2000.¹ A review of the submittal filed by the applicants on May 8, 2000 revealed that the deeds required to convey Permit 57837 to the applicants were in fact included in this submittal; however, the Report of Conveyance requested by the above May 31, 2000, letter was not included in the submittal.

IV.

On January 31, 2001, the Report of Conveyance and fees were received in the office of the State Engineer, thereby enabling the conveyance of Permit 57837 to the applicants.¹

CONCLUSIONS

I.

The State Engineer has jurisdiction over the parties and of the subject matter of this action and determination.³

¹ State Engineer's Ruling No. 4999 dated January 23, 2001, official records in the office of the State Engineer.

² NRS Chapter 533.

II.

Application 66062 was denied without the knowledge of the fact that the deeds required to convey Permit 57837 to the applicants were received in the office of the State Engineer on May 8, 2000. The State Engineer concludes that upon consideration of this additional information and the fact that the Report of Conveyance requested by the above letter dated May 31, 2000, was received in the office of the State Engineer on January 31, 2001, that it would be appropriate to rescind Ruling 4999.

RULING

The denial of Application 66062 set forth in State Engineer's Ruling No. 4999 is hereby rescinded.

Respectfully submitted,



HUGH RICCI, P.E.
State Engineer

HR/RAD/df1

Dated this 16th day of
March, 2001.