

IN THE MATTER OF THE REINSTATEMENT)
OF APPLICATIONS 38544, 38545, 38546,)
and 38547 TO APPROPRIATE UNDERGROUND)
WATER WITHIN HONEY LAKE VALLEY,)
WASHOE COUNTY, NEVADA)

R U L I N G

FINDINGS OF FACT

I

Application 38544 was filed on July 11, 1979, by Bruce R. Scott, on behalf of Gary and Clementine Tope and Ray May to change the point of diversion and place of use of 2.7 c.f.s. of water under Permit 30457. The proposed point of diversion is described in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 2, T.26N., R.18E., M.D.B. & M.

Application 38545 was filed on July 11, 1979, by Bruce R. Scott, on behalf of Gary and Clementine Tope and Ray May to change the point of diversion and place of use of 5.4 c.f.s. of water under Permit 30458. The proposed point of diversion is described in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 2, T.26N., R.18E., M.D.B. & M.

Application 38546 was filed on July 11, 1979, by Bruce R. Scott, on behalf of Gary and Clementine Tope and Ray May to change the point of diversion and place of use of 6.0 c.f.s. of water under Permit 30459. The proposed point of diversion is described in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 11, T.26N., R.18E., M.D.B. & M.

Application 38547 was filed on July 11, 1979, by Bruce R. Scott, on behalf of Gary and Clementine Tope and Ray May to change the point of diversion and place of use of 6.0 c.f.s. of water under Permit 30460. The proposed point of diversion is described in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 11, T.26N., R.18E., M.D.B. & M.

The proposed place of use under each of these applications is 861 acres within Sections 2 and 11, T.26N., R.18E., M.D.B. & M., where water is to be used for irrigation and domestic purposes.

II

As provided under NRS 533.355, a certified notice from the State Engineer's Office dated April 18, 1980, advised the applicants that a map prepared by a water right surveyor to support the applications must be filed within 60 days of the date of the notice, on or before June 17, 1980, or the applications would be subject to cancellation.

III

Applications 38544 through 38547 were canceled on June 18, 1980, for failure to timely file a supporting map within the statutory time limitations.

IV

In accordance with the provisions of NRS 533.435, a refund of \$100.00 was made to Bruce R. Scott, Agent, for Mr. Ford, as a return of the \$25.00 publication fee for each application.

V

It was subsequently found that an acceptable supporting map was filed on June 13, 1980, which precedes the June 17, 1980 deadline, established by notice of April 18, 1980.

CONCLUSIONS

I

The State Engineer has jurisdiction under this matter in accordance with 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

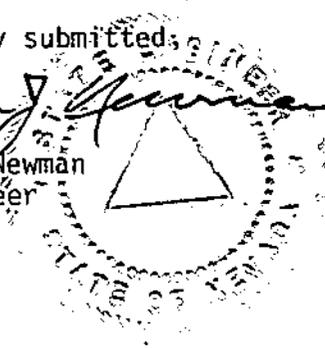
It will be necessary that the publication fee under this application which was refunded to Mr. Scott, be resubmitted to the State Engineer's office before publication.

RULING

The cancellation of Applications 38544, 38545, 38546, and 38547 are herewith rescinded, and a period of 30 days from the date of this ruling is herewith allowed for resubmission of the statutory publication fee under these applications. Upon resubmission of the \$100.00 publication fee, \$25.00 per application, the applications will be processed toward publication in accordance with the provisions of NRS 533.360.

Respectfully submitted,


William J. Newman
State Engineer



WJN/TEH/gk

Dated this 14th day
of AUGUST, 1980.