

IN THE MATTER OF APPLICATION NO. 18813)
FILED MAY 9, 1960 BY CECIL L. TEMPLE)
TO APPROPRIATE WATER FROM AN UNDER-)
GROUND SOURCE IN LANDER COUNTY, NEVADA.)

R U L I N G

General:

Application No. 18813 was filed on May 9, 1960 by Cecil L. Temple for permission to appropriate 5.4 c.f.s. of water from an underground source for irrigation (320 acres) and domestic purposes. The point of diversion is described within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 10, T. 24 N., R. 41 E., M.D.B.&M. The place of use is described within the N $\frac{1}{2}$ Section 10, T. 24 N., R. 41 E., M.D.B.&M. Application No. 18813 was approved on April 24, 1961 and a permit was granted for 5.4 c.f.s. for irrigation and domestic use.

The land described under the place of use was the subject of Desert Land Entry Nevada 047647 allowed May 16, 1960 and patented on January 6, 1965.

By deed dated October 5, 1961 Application and Permit No. 18813 was assigned from Cecil L. Temple to Gerald L. Sanders. By deed dated January 21, 1964 Application and Permit No. 18813 was assigned from Gerald L. Sanders to Glenn L. McDonald.

The Proof of Beneficial Use together with a cultural map was due on or before November 24, 1967. An application for an extension of time for filing the Proof of Beneficial Use together with a cultural map was received on December 26, 1967 with a check in the amount of \$5.00 to cover the statutory filing fee that must accompany each application for an extension of time. The extension of time was approved for a period of three months as requested in the application, or to February 24, 1968. The application for an extension of time was properly filed as of December 26, 1967.

Check No. 152, dated December 15, 1967, in the amount of \$5.00, drawn by Glenn L. McDonald on the Nevada Bank of Commerce, Austin Branch, was returned to the office of the State Engineer marked "Refer to Maker". The Austin Branch of the Nevada Bank of Commerce was contacted by phone on February 23, 1968 in this regard and this office was informed that the bank had closed Mr. McDonald's account on or about December 1, 1967, with service charges due.

RULING

Application and Permit No. 18813 is herewith cancelled on the grounds that the permittee has failed to comply with the terms of the Permit by submitting the Proof of Beneficial Use together with a cultural map on the date due and that the Permittee does not have a valid extension of time for filing said Proof with map as the required statutory fee for filing an application for an extension of time was not properly paid to the State of Nevada.

Respectfully submitted,


Roland D. Westergard
State Engineer

RDW:WJN:m

Dated this 29th day of
February, 1968.