

IN THE MATTER OF APPLICATIONS 25507, )  
25508, 25509 and 25510 FILED BY STAR )  
SHEEP CO. ON INSHIP CANYON CREEK, ROCK- )  
HILL CANYON CREEK, SUMMIT SPRING AND )  
STONEHOUSE SPRING LOCATED IN PERSHING )  
COUNTY, NEVADA )

R U L I N G

104  
EVV  
Application 25507 was filed on March 24, 1970, by Star Sheep Co. to appropriate 1.0 c.f.s. of water from Inship Canyon Creek for stock watering and domestic purposes. The point of diversion is described as being in the SE $\frac{1}{4}$  SW $\frac{1}{4}$  Section 18, T. 31 N., R. 36 E., M.D.B.&M. and the place of use is within the same subdivision.

72  
JMLAY  
Application 25508 was filed on March 24, 1970, by Star Sheep Co. to appropriate 1.0 c.f.s. of water from Rockhill Canyon Creek for stock watering and domestic purposes. The point of diversion is described as being in the NE $\frac{1}{4}$  SW $\frac{1}{4}$  Section 14, T. 32 N., R. 36 E., M.D.B.&M. and the place of use is within the same subdivision.

72  
Application 25509 was filed on March 24, 1970, by the Star Sheep Co. to appropriate 1.0 c.f.s. of water from Summit Spring for stock watering and domestic purposes. The point of diversion is described as being in the SE $\frac{1}{4}$  SE $\frac{1}{4}$  Section 13, T. 32 N., R. 34 E., M.D.B.&M. and the place of use is within the same subdivision.

72  
Application 25510 was filed on March 24, 1970, by the Star Sheep Co. to appropriate 1.0 c.f.s. of water from Stonehouse Spring for stock watering and domestic purposes. The point of diversion is described as being in the NE $\frac{1}{4}$  SW $\frac{1}{4}$  Section 31, T. 33 N., R. 37 E., M.D.B.&M. and the place of use is within the same subdivision.

The above described applications were returned for correction on April 7, 1970, with instructions that the amended application and supporting map must be filed in the office of the State Engineer on or before June 8, 1970, or it becomes mandatory for the State Engineer to cancel the applications.

On June 11, 1970, the amended applications and supporting map were received in the Carson City Office of the State Engineer being forwarded from the Elko Office of the Division of Water Resources. The amended applications

and map were under the signature of Mr. Charles Armuth, State Water Right Surveyor. Ralph Gamboa, Assistant Supervising Water Commissioner, Elko Branch Office, Division of Water Resources indicated on the supporting map that it had been received in the Elko office on June 9, 1970, at 4:45 p.m. No indication as to receipt of the amended applications was made prior to receipt in the Carson City Office.

Mr. Gamboa submitted the following affidavit:

"I, Ralph Gamboa, duly swear, being the Assistant Supervising Water Commissioner, working out of the Elko office, did receive on June 8, 1970 at 4:45 p.m. the amended applications and supporting map for applications 25507, 25508, 25509 and 25510, and that I called Jim Perkins, Office Engineer of the Carson City office of the Division of Water Resources, on the morning of June 9, 1970, and informed him that I had received them. I then mailed them to Carson City by certified mail receipt number 682144 on the morning of June 9, 1970.

I inadvertently marked the map as being received on June 9, 1970, which was incorrect and in error. No indication was made as to receipt of the amended applications, an oversight on my part."

The mailing tube which the map and amended applications were received in is clearly dated as June 9, 1970, in Elko, Nevada.

In view of Ralph Gamboa's affidavit attesting to the error in dates and lack of any evidence to the contrary it appears that the supporting map and amended applications were filed within the statutory time allowed.

#### Ruling

The cancellation of applications 25507, 25508, 25509, and 25510, is hereby rescinded and processing of these applications will continue without loss of priority.

Respectfully Submitted,

  
Roland D. Westergard  
State Engineer

RDW:PGM:md

Dated this 2nd day  
of December, 1970