

IN THE MATTER OF APPLICATIONS )  
35617 AND 35618 FILED TO )  
APPROPRIATE WATER FROM AN ) R U L I N G  
UNDERGROUND SOURCE IN IVANPAH )  
VALLEY, CLARK COUNTY, NEVADA )

164A

GENERAL

Application 35617, in the name of Earnest J. Primm, was filed on July 13, 1978, to appropriate 0.4448 c.f.s. from an underground source for commercial and quasi-municipal purposes. The point of diversion is described as being in the SW 1/4 NE 1/4 Section 9, T.27S., R.59E., M.D.B. & M. The place of use is described as portions of Section 8, T.27S., R.59E., M.D.B. & M.

Application 35618, in the name of Earnest J. Primm, was filed on July 13, 1978, to appropriate 0.4448 c.f.s. from an underground source for commercial and quasi-municipal purposes. The point of diversion is described as being in the SE 1/4 NE 1/4 Section 9, T.27S., R.59E., M.D.B. & M. The place of use is described as portions of Section 8, T.27S., R.59E., M.D.B. & M.

Both applications indicate water is to be used for "development of the Whiskey Pete Casino and Resort operations (motels, hotels, restaurants, garages, residences, and other appurtenant facilities on approximately 141 acres)."

On August 24, 1978, in conformance with procedure set out under NRS 533.355, the State Engineer returned Applications 35617 and 35618 for correction by certified mail requesting that only one major use, either commercial or quasi-municipal, be specified on the amended application. The return for correction notice is made a part of this Ruling by reference. Amended applications were not returned to the State Engineer's Office within the time period allowed by said certified notice.

Applications 35617 and 35618 were canceled on November 28, 1978, for failure of the applicants to submit the amended applications within the statutory time limit described under NRS 533.355. Reviewing the cancellations, this office concluded that failure to specify either commercial or quasi-municipal, while all else was in order, was not sufficient grounds for cancellation. By letter of December 8, 1978, which is made a part of this Ruling by reference, the applicant was given 30 days to respond to the original request of August 24, 1978.

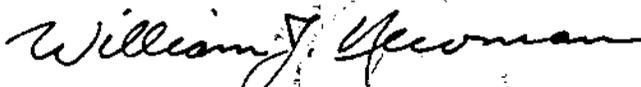
On December 26, 1978, a Mr. McDonald, representing the applicant, informed this office by telephone that Roy Whitacre had been retained as agent for the applicant to respond to our requests but would not be available until shortly after January 7, 1979. An extension of this deadline was granted for five (5) days.

On January 10, 1979, Mr. Whitacre, submitted the required amended applications which limit the use to quasi-municipal purposes.

RULING

The cancellation of Applications 35617 and 35618 is herewith rescinded on the grounds that the requirements of this office were substantially satisfied on the original applications, and the proper amendments were timely completed.

Respectfully submitted,



*William J. Newman*

William J. Newman  
State Engineer

WJN/TFH/jm

Dated this 25th day  
of APRIL, 1979.