

IN THE MATTER OF THE REINSTATEMENT)
OF APPLICATION 38543 TO APPROPRIATE)
UNDERGROUND WATER WITHIN HONEY LAKE)
VALLEY, WASHOE COUNTY, NEVADA)

R U L I N G

97

FINDINGS OF FACT

I

Application 38543 was filed July 11, 1979, by Bruce R. Scott on behalf of Walt Ford to change the point of diversion and place of use of 4.0 c.f.s. of water under Permit 30461. The proposed point of diversion is described in the NE 1/4 SE 1/4 Section 22, T.26N., R.18E., M.D.B. & M., and the proposed place of use is 236 acres within the SE 1/4 Section 22 and W 1/2 SW 1/4 Section 23, 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 applicant that a map prepared by a water right surveyor to support Application 38543 must be filed within 60 days from the date of the notice, on or before June 17, 1980, or the application would be subject to cancellation.

III

Application 39543 was 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 \$25 was made to Bruce R. Scott, agent for Mr. Ford, as a return of the publication fee.

V

It was subsequently found that an acceptable supporting map was filed on June 6, 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The cancellation of Application 38543 is herewith rescinded, and a period of 30 days from the date of this ruling is herewith allowed for resubmission of the statutory publication fee under this application. Upon resubmission of the \$25 publication fee, the application will be processed toward publication in accordance with the provisions of NRS 533.360.

Respectfully submitted,



William J. Newman
State Engineer

WJN/TFH/ja

Dated this 4th day

of AUGUST, 1980.