

IN THE MATTER OF THE REIN- )  
STATEMENT OF CANCELLED APPLI- )  
CATIONS 36875 AND 36877 IN )  
AMARGOSA DESERT, NYE COUNTY, )  
NEVADA. )

R U L I N G

FINDINGS OF FACT

I

Application 36875 was filed on March 2, 1979 in the name of Henry Sjaardema to appropriate 2.0 c.f.s. of water from an underground source to be located within the SW1/4 SW1/4 of Sec. 26, T.18S., R.50E., M.D.B.&M.

The above application to appropriate water was filed under the signature of Henry Sjaardema.

Application 36877 was filed on March 2, 1979 in the name of Jean M. (Fujita) Sjaardema to appropriate 2.0 c.f.s. of water from an underground source to be located within the NW1/4 NE1/4 of Sec. 34, T.18S., R.50E., M.D.B.&M.

The above application to appropriate water was filed under the signature of Jean M. Sjaardema.

II

In accordance with the provisions of NRS 533.355, a certified notice dated June 15, 1979 was mailed to Henry Sjaardema and a separate certified notice dated June 15, 1979 was mailed to Jean M. (Fujita) Sjaardema, thereby notifying the applicants that a supporting map prepared by a licensed water right surveyor was required to be filed and an amended application for both 36875 and 36877 requiring the points of diversion be described as being within a 40 acre subdivision and tied by bearing and distance to an established section corner. The map and corrected applications were required to be filed in the State Engineer's office within 60 days of said notice, on or before August 14, 1979 or the applications would be subject to cancellation.

III

Applications 36875 and 36877 were cancelled August 15, 1979 for failure to file a supporting map and amended application within the statutory time limits established by the June 15, 1979 notices.

IV

In accordance with the provisions of NRS 533.435, refunds of \$25.00 were made to both Henry Sjaardema and Jean M. Sjaardema on November 20, 1979 as a return of the publication fees.

V

It was subsequently found that an acceptable supporting map and amended applications for both 36875 and 36877 were filed on August 3, 1979 which precedes the August 14, 1979 deadline established by the notice of June 15, 1979.

CONCLUSIONS

I

The State Engineer has jurisdiction under this matter in accordance with the provisions of NRS 533.325 and NRS 533.355.

II

The filing of the map and amended applications within the established deadline satisfies the requirements of timely filing.

III

It will be necessary for the publication fees under these applications be resubmitted to the State Engineer's office before publication.

RULING

The cancellations of Applications 36875 and 36877 is herewith rescinded. A period of 30 days from the date of this ruling is herewith allowed for resubmission of the statutory publication fees under these applications. Upon submission of the \$25.00 publication fees for each application, the applications shall be processed toward publication in accordance with provisions of NRS 533.360.

Respectfully submitted,



Peter G. Morros  
State Engineer

Dated this 24 day of  
August, 1981

PGM/bl