

IN THE MATTER OF APPLICATION)
25376 FILED BY DONALD T. HALL)
DECEMBER 4, 1969, TO APPRO-) R U L I N G
PRIATE EFFLUENT WATER FROM INCLINE)
VILLAGE IMPROVEMENT DISTRICT SEWER)
TREATMENT PLANT IN DOUGLAS COUNTY.)

Donald T. Hall filed Application 25376 on December 4, 1969, to appropriate 9.283 c.f.s. of Effluent Water from the Incline Village Improvement District Sewer Treatment Plant for General Recreational (Irrigation of Golf Course, landscaping, fishing, hunting, boating, etc.) purposes.

Amended Application 25376 was returned to the applicant for correction on January 15, 1970, via certified mail. However, the instructions for correcting the Amended Application were defective in that the applicant was not notified that a supporting map prepared by a licensed water right surveyor was required. Therefore, the notice and letter of instructions mailed on January 15, 1970, were voided; and a new Amended Application and instructions were returned to the applicant on March 24, 1970, via certified mail. The letter of instructions included standard notification that the Amended Application and required supporting map were to be received in the office of the Division of Water Resources on or before May 25, 1970, or the application would be cancelled.

A question has arisen as to the exact time and date the supporting map and the Amended Application were received in this office. The supporting map is stamped in by clock at 8:11 A.M., May 26, 1970; the Amended Application was not stamped.

Amended Application 25376 was placed in its file folder, and Application 25376 was processed for publication on or about June 10, 1970. At this time the fact that the Amended Application had not been stamped and the map stamped in on May 26, 1970, was noted by personnel of the Division of Water Resources processing applications for publication. Therefore, Application 25376 was cancelled on June 15, 1970, for failure to submit the required supporting map within 60 days of proper notification, as required by law.

On June 23, 1970, Donald T. Hall, the applicant learned of the cancellation of Application 25376 by oral communication with Mr. William J. Newman, of the Division of Water Resources.

He stated that the map and Amended Application were delivered to a member of the clerical staff of the Division of Water Resources at about 4:00 P.M. on May 25, 1970, by his wife. A letter dated June 24, 1970, from Mr. Hall, postmarked June 26, 1970, and received June 29, 1970, reiterates his statement to Mr. Newman.

The Visitor's Register maintained by the Division of Water Resources was not signed by Mrs. Hall either on May 25, 1970, or May 26, 1970.

Mrs. Kathi Mengler, Senior Clerk (Typist) of the Division of Water Resources has stated that she has a vague recollection of a lady delivering a map and "something else" late in the afternoon. She cannot state on what date.

In the lack of positive and conclusive evidence to the contrary, it appears that the said map and Amended Application were delivered to the Division of Water Resources about 4:00 P.M., on May 25, 1970; and the documents were not stamped in on that date. Therefore, the map and Amended Application were apparently returned to the Division of Water Resources within the statutory time limit, and the cancellation of Application 25236 was in error.

RULING

The cancellation of Application 25236 is hereby rescinded, and processing of Application 25236 will continue, without loss of priority.

Respectfully submitted,


Roland D. Westergard
State Engineer

RDW:JCP:jw

Dated this 2nd day of
July, 1970.