

IN THE MATTER OF PERMIT 25083 FILED)
BY THE WASHOE COUNTY SEWER IMPROVE-)
MENT DISTRICT NO. 1 TO APPROPRIATE) R U L I N G
WATER FROM LAKE TAHOE IN WASHOE)
COUNTY, NEVADA.)

GENERAL: ⁹⁰

Application 25083 was filed on May 28, 1969 by the Washoe County Sewer Improvement District No. 1 to appropriate 4.45 c.f.s. of water from Lake Tahoe for municipal and domestic purposes. Water is diverted from its source at a point within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 30, T.16N., R.18E., M.D.B.&M. The place of use is described as within portions of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ and the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 19 and within the W $\frac{1}{2}$ NE $\frac{1}{4}$ and the E $\frac{1}{2}$ NW $\frac{1}{4}$ Section 30, all in T.16N., R.18E., M.D.B.&M.

Permit 25083 was issued on October 8, 1969, for 4.45 c.f.s., but not to exceed 127.1 million gallons of water annually. The Proof of Commencement of Work was filed May 15, 1970. The Proof of Completion of Work or an application for an extension of time was due on or before May 8, 1971. As provided under NRS 533.390, notice was forwarded to the owner of record by certified mail on May 10, 1971, that the Proof of Completion of Work or an application for an extension of time was due before the expiration of the 30 day period. A copy of this notice was not sent to Mr. Dan J. Cook as the authorized agent. Permit 25083 was cancelled on June 10, 1971, for failure of the permittee to comply with the terms of the permit.

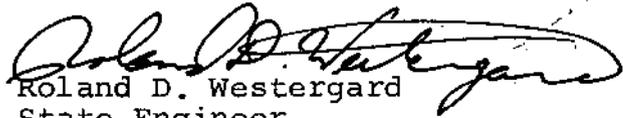
Application 25083 was filed in the name of Washoe County Sewer Improvement District No. 1 and signed by Dan J. Cook, District Engineer. This office sent a standard form notice on May 29, 1969, to the owner of record advising that Application 25083 had been filed by Dan J. Cook, and that unless otherwise instructed in writing all notices and correspondence would be forwarded to Mr. Dan J. Cook, as agent. No instruction in writing was received in this office advising that Mr. Dan J. Cook was not authorized to act as agent for the owner of record. Subsequently, notices were forwarded to the owner of record with a copy to Mr. Dan J. Cook as agent. The notice dated May 10, 1971, was sent to Mr. Harold B. Tiller, Secretary, Washoe County Sewer Improvement District No. 1 by certified mail, but no copy of this notice was sent to Mr. Dan J. Cook as agent.

Records indicate that the Washoe County Sewer Improvement District No. 1, acting as a public utility, relied upon its authorized agent to receive all notices and correspondence in this regard and to respond with the proper documents. Notice from this office, dated May 29, 1969, to establish the authorized agent conveyed added assurance that Mr. Cook would receive all notice and correspondence relative to Permit 25083. In fact, the purpose of the notice is to establish the authorized agent to act in behalf of the owner of record on all matters pertaining to the subject water right.

RULING

The cancellation of Permit 25083 is hereby rescinded without loss of priority on the grounds that proper notice was not given to the authorized agent. The application for an Extension of Time received July 7, 1971, for filing the Proof of Completion of Work will be approved for a period of one year to May 8, 1972.

Respectfully submitted,


Roland D. Westergard
State Engineer

RDW:WJN:jw

Dated this 9th day
of July, 1971