

IN MATTER OF APPLICATION)
FILED BY R.J. LAFOND IN)
D VALLEY, LYON COUNTY,)
N)

R U L I N G

Application 29623 was filed by R. J. LaFond on September 25, 1975 to change the point of diversion of Permit 26660. Permit 29623 was issued on November 24, 1975.

Application 30078 was filed on March 12, 1976, by R. J. LaFond to change the manner and place of use of water heretofore appropriated under Permit 29263.

Proof of Completion of Work under Permit 29623 was due May 24, 1976. An Extension of Time for the filing of the Proof of Completion of Work was granted to May 24, 1976 with the provision that no further extensions would be granted for the Proof of Completion of Work.

In May 24, 1976, a final notice was sent by certified mail at number 573538 to R. J. LaFond (carbon copy of Walter G. Reid) stating that the Proof of Completion of Work was due under Permit 29623. The notice allowed an additional 30 days to file proof. The Proof was not received.

In November 3, 1976 letter from Walter G. Reid acting as attorney for R. J. LaFond prayed that action be withheld on Permit 29263 until "the approval and development of the Mark Twain Unit Division".

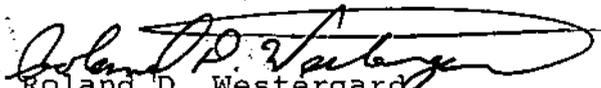
In a December 2, 1977 letter to Walter G. Reid (carbon copy to R. J. LaFond), Peter Morros of the State Engineer's Office advised that action could no longer be withheld under Application 30078. Morros stated that if no response was received to his letter within 30 days it would be assumed that there was no interest in issuing the application and it would be processed towards completion.

After receiving no response to his December 2, 1977 letter, Morros sent a copy of said letter by certified mail to R. J. LaFond and Walter G. Reid (certified mail numbers 679305 and 679306, respectively) under a cover letter dated March 20, 1978. In his March 20, 1978 cover letter, Mr. Morros stated that the Ruling would be prepared denying Application 30078. As of March 2, 1978, no response was received in the State Engineer's Office.

RULING:

Application 30078 is herewith denied on the grounds that the applicant has failed to provide the additional information requested and has not demonstrated the intent to place the water sought to be appropriated to beneficial use.

Respectfully submitted,


Roland D. Westergard
State Engineer

RDW/PGM/le

Dated this 14th day

of July, 1978