

IN THE MATTER OF THE CANCELLATION  
OF PERMIT 43307 IN HUALAPAI FLAT,  
WASHOE COUNTY, NEVADA. }

R U L I N G

GENERAL

On July 28, 1972, Application 26856 was filed to change the point of diversion and place of use of a portion of Permit 22718. A permit was subsequently issued under Application 26856 on March 8, 1973.

On May 6, 1977, a Proof of Beneficial Use and Cultural Map were submitted to the State Engineer's Office for Permit 26856. The Proof of Beneficial Use and Cultural Map indicated that the point of diversion was in a location that was not described and approved under Permit 26856. The owner filed a new application, number 31501, to change the point of diversion under Permit 26856 to conform to the well location as submitted under the Proof of Beneficial Use for 26856. The applicant failed to realize that the bearing tie for the actual point of diversion as submitted under the Proof of Beneficial Use under Permit 26856 was incorrect and thus continued this error under his Application 31501. The State Engineer's Office reviewed Application 31501 and failed to recognize the error and the application went to publication and a permit was subsequently issued on January 6, 1978.

On April 27, 1978, the Proof of Beneficial Use was filed under Permit 31501. After a review of the Proof of Beneficial Use and Cultural Map, the State Engineer's Office determined the bearing tie to the point of diversion to be in error, and refused to accept the Proof of Beneficial Use under Permit 31501.

The owner at this point filed Application 43307 to change the point of diversion under Permit 31501 so that the bearing tie to the well matched the actual location of the well as drilled in the field.

On July 21, 1983, the State Engineer approved Application 43307 and the permittee was given until October 21, 1983 for filing the Proof of Completion of Work and the Proof of Beneficial Use. On October 21, 1983, the permittee was notified by certified mail that the Proof of Completion of Work and Proof of Beneficial Use were due within 30 days. On November 22, 1983, Permit 43307 was cancelled for failure of the owner to submit the Proof of Completion of Work and the Proof of Beneficial Use.

CONCLUSIONS

On December 16, 1983, the State Engineer received a written request by the owner of Permit 43307 to rescind the cancellation. Due to the past history and circumstances of error revolving around these permits, it is concluded that the cancellation of Permit 43307 should be rescinded and the permittee allowed thirty days to submit the Proof of Completion of Work and the Proof of Beneficial Use and Cultural Map.

RULING

The cancellation of Permit 43307 is hereby rescinded and the permittee is allowed 30 days from the date of this Ruling to submit the Proof of Completion of Work and Proof of Beneficial Use with required statutory filing fees.

Respectfully submitted,



PETER G. MORROS  
State Engineer

PGM/JB/br

Dated this 29th day of  
December, 1983.