

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF THE)
REINSTATEMENT OF CANCELLED)
PERMIT 45740, IN AMARGOSA)
DESERT, NYE COUNTY, NEVADA)

RULING

FINDINGS OF FACT

I.

Application 45740 was filed on June 2, 1982, in the name of James Fishel or Eva Fishel to appropriate 0.02 c.f.s. of water from an underground source located within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 27, T.16S., R.49E., M.D.B.&M.

The above application was approved and a permit was issued on August 3, 1983.

II.

By certified mail notice dated September 6, 1984, the permittee was advised that the Proof of Completion of Work had not been filed and that the permit was in poor standing. Said notice stated that the required documents had to be submitted on or before 30 days from the date of that notice, or the permit would be cancelled.

III.

The permittee submitted the Proof of Completion of Work and well log in a timely manner on August 24, 1984.

IV.

This office returned the Proof of Completion of Work on August 28, 1984 with an accompanying cover letter indicating that the proof was incomplete due to the fact that information indicating the required totalizing meter had been installed was not provided. Said letter stated that the proof of completion of work must be resubmitted on or before 30 days from the date of the letter or the permit would be subject to cancellation.

V.

On November 2, 1984, Permit 45740 was cancelled for failure to resubmit the Proof of Completion of Work.

VI.

Upon receipt of the cancellation notice, the permittee called indicating that the proof of completion had been resubmitted within the time frame allowed. The permittee subsequently mailed a copy of the certified receipt of the notice being received in the State mailroom. The resubmitted Proof of Completion of Work was subsequently located with a date received of September 17, 1984.

CONCLUSION

I.

The State Engineer has jurisdiction in this matter in accordance with NRS 533.380, 533.395 and 533.410.

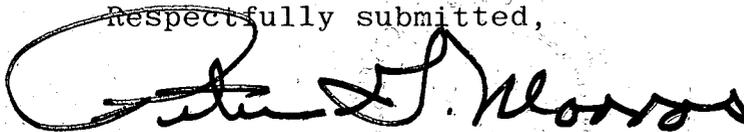
II.

A clerical error in the State Engineer's office resulted in the cancellation of Permit 45740.

RULING

The cancellation of Permit 45740 is hereby rescinded and processing of the submitted Proof of Completion of Work will proceed.

Respectfully submitted,



Peter G. Morros
State Engineer

PGM/CT/bc

Dated this 19th day of

DECEMBER, 1984.