

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF THE REINSTATEMENT)
OF CANCELLED PERMIT 40448, IN)
AMARGOSA DESERT, NYE COUNTY,))
NEVADA.)

RULING

FINDINGS OF FACT

I.

Application 40448 was filed on February 4, 1980, in the name of Desert Farms, Inc. to appropriate 4.0 c.f.s. of water from an underground source located within the NW1/4 NE1/4 Section 24, T.15S., R.49E., M.D.B.&M. This application was approved and Permit 40448 was issued on December 22, 1982. Subsequently, Permit 40448 was assigned to Edward J. Rigler.

II.

Permittee was advised by final certified notice, dated February 1, 1988, that the Proof of Beneficial Use had not been filed, that Permit 40448 was in poor standing and subject to cancellation, and that the required Proof or a request for an extension of time must be filed within thirty (30) days from the date of the final notice, or the permit would be cancelled.

III.

An Application for Extension of Time form was submitted by the permittee and received in the State Engineer's office on February 29, 1988, in compliance with the time limit specified by the final certified notice.

The twenty-five dollar (\$25.00) filing fee was not received with the form.

This extension of time form was not attached to the permit file in the State Engineer's office. The permit file did not show that the extension of time form had been received.

IV.

Permittee was notified by certified letter dated March 10, 1988, that Permit 40448 had been cancelled for failure of permittee to submit Proof of Beneficial Use in compliance with Nevada Revised Statutes, Chapter 533.

CONCLUSIONS

I.

The State Engineer has jurisdiction of this matter pursuant to Nevada Revised Statutes (NRS), Chapters 533 and 534.

II.

The Application for Extension of Time was received in the State Engineer's office in compliance with the time limit specified by the final certified notice.

III.

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

RULING

I.

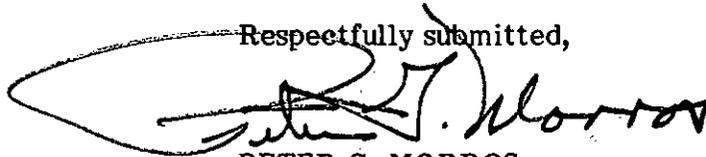
The cancellation of Permit 40448 is hereby rescinded, and Permit 40448 is reinstated with the effective date of the appropriation restored.

II.

Upon receipt of the twenty-five dollar(\$25.00) filing fee, processing of the Application for Extension of Time will proceed.

The twenty-five dollar (\$25.00) filing fee must be submitted to the State Engineer within thirty (30) days from the date of this Ruling.

Respectfully submitted,



PETER G. MORROS
State Engineer

PGM/RLT/bk

Dated this 25th day of

March, 1988.