

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF THE REINSTATEMENT)
OF CANCELLED PERMIT 46369, IN PARADISE)
VALLEY, HUMBOLDT COUNTY, NEVADA.)

RULING

FINDINGS OF FACT

I.

Application 46369 was filed on November 16, 1982, in the name of Loui and Elaine Cerri to change the point of diversion of 2.76 c.f.s., a portion of the water previously appropriated under Permit 31019 for irrigation and domestic purposes. The proposed point of diversion is located within the NW1/4 SE1/4 Section 17, T.42N., R.40E., M.D.B.&M.

Application 46369 was approved and a permit was issued on January 31, 1985.

II.

By certified mail dated April 10, 1986, the current owner of record of Permit 46369 in the State Engineer's office, Conrad H. and Carolyn Nebeker were advised that the Proof of Completion of Work had not been filed within the time limits established and Permit 46369 was in poor standing. Said notice stated that the required documents had to be submitted on or before 30 (thirty) days from the date of the notice or the permit would be cancelled.

III.

On January 29, 1988, Permit 46369 was cancelled for failure to submit the Proof of Completion of Work.

IV.

On May 4, 1988, Mr. John Tashjian was reviewing the records at the State Engineer's office and at that time became aware of the cancellation of Permit 46369. He advised this office that he was the legal owner of Permit 46369 and that deeds establishing his ownership had been submitted to this office. Mr. Tashjian supplied this

office with certified copies of the deeds he contended were already on file with this office. The originally submitted uncertified deeds were subsequently located in the State Engineer's office with a date stamp received of March 26, 1986, which was prior to the final notice of April 10, 1986.

CONCLUSIONS

I.

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

II.

Evidence of a change in ownership of Permit 46369 was on file with the State Engineer's office prior to the final notice of April 10, 1986.

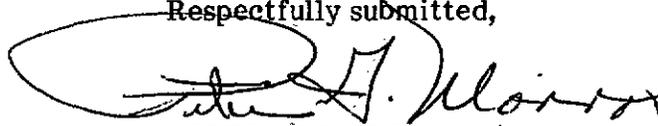
III.

The correct parties were not given notice of the need to file the Proof of Completion of Work nor of the subsequent cancellation of Permit 46369.

RULING

The cancellation of Permit 46369 is hereby rescinded with no loss in priority. Another final notice will be sent to the appropriate parties consistent with ownership documents timely submitted to the State Engineer's office.

Respectfully submitted,



PETER G. MORROS
State Engineer

PGM/CT/bk

Dated this 23rd day of

May, 1988.