

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF THE REINSTATEMENT)
OF CANCELLED PERMIT 46138, IN CARSON)
VALLEY, DOUGLAS COUNTY, NEVADA.)

RULING

FINDINGS OF FACT

I.

Application 46138 was filed on September 14, 1982, in the name of Mineop Corp. to appropriate 400 c.f.s. of the water of the East Fork of the Carson River for power production purposes. The point of diversion is located within the NW1/4 SW1/4 Section 25, T.12N., R.20E., M.D.B.&M.

The above application was approved and a permit was issued on September 26, 1983.

II.

On March 15, 1984, a contract in which the owner of record, Mineop Corp., leased to Hydro Power Developers the water right granted under Permit 46138 for a period of 31 years was filed with the State Engineer's office.

III.

By a certified mail notice dated February 12, 1987, the lessee was advised that the Proof of Completion of Work had not been filed within the time limits established in Permit 46138 and said permit was in poor standing. Said notice stated that the required documents had to be submitted on or before thirty (30) days from the date of the notice or the permit would be cancelled. The lessor, Mineop Corp., was not sent a copy of the notice.

IV.

On May 14, 1987, Permit 46138 was cancelled for failure to submit the Proof of Completion of Work.

V.

In a letter dated May 26, 1988, Mineop Corp. notified the State Engineer's office that the lessee had defaulted on the terms of the lease and notice of such default dated June 3, 1985, had been served on the lessee, Hydro Power Developers, with a copy provided to the State Engineer's office.

CONCLUSION

I.

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

II.

Mineop Corp. is the owner of record of Permit 46138 and should have been sent the notice of February 12, 1987.

RULING

The cancellation of Permit 46138 is hereby rescinded with no loss in priority and a final notice will be sent to Mineop Corp.

Respectfully submitted,



PETER G. MORROS

State Engineer

PGM/CT/bk

Dated this 21st day of

June, 1988.