

IN THE OFFICE OF THE STATE ENGINEER  
IN THE STATE OF NEVADA

IN THE MATTER OF PERMIT 48922 TO )  
APPROPRIATE THE PUBLIC WATERS OF AN )  
UNDERGROUND SOURCE IN WHITE RIVER )  
VALLEY, WHITE PINE COUNTY, NEVADA. )

RULING

GENERAL

I.

Application 48922 was filed on March 18, 1985 by Milton Gardner to appropriate 1.0 c.f.s. of water from an underground source for irrigation and domestic purposes on 66 acres of land within the SE1/4 NW1/4, NE1/4 SW1/4, SE1/4 SW1/4 of Section 31, T.12N., R.62E., M.D.B.&M. The point of diversion is described as being within the SE1/4 NW1/4 Section 31, T.12N., R.62E., M.D.B.&M. Application 48922 was subsequently granted on June 4, 1986.<sup>1</sup>

FINDINGS OF FACT

I.

The permit under Application 48922 was granted with the understanding that Proof of Beneficial Use shall be filed on or before July 4, 1989.<sup>1</sup>

II.

On July 10, 1989, a notice was sent certified mail to the owner of record that the Proof of Beneficial Use was due on July 4, 1989 and they had 30 days from the date of the notice to submit the Proof of Beneficial Use or apply for an extension of time.<sup>1</sup>

III.

On August 23, 1989 the owner of record was notified that Permit 48922 had been cancelled for failure to submit the Proof of Beneficial Use as set forth under chapter 533 of the Nevada Revised Statutes.<sup>1</sup>

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<sup>1</sup> Public record in the office of the State Engineer.

IV.

Subsequently it was determined that the Proof of Beneficial Use had been received on August 7, 1989 but filed incorrectly by the State Engineer's Office under Permit 48992.

CONCLUSIONS

The State Engineer has jurisdiction of the parties and the subject matter of this action and determination.<sup>2</sup>

The State Engineer concludes that the Proof of Beneficial Use concerning Permit 48922 was received in a timely fashion and Permit 48922 was cancelled because of an unintentional error on the part of this office.

RULING

The cancellation of Permit 48922 is hereby rescinded without any lose of Priority and the application for Proof of Beneficial Use will be reviewed and processed.

Respectfully submitted,



R. MICHAEL TURNIPSEED, P.E.  
State Engineer.

RMT/TT/pm

Date this 11th day of  
July, 1990