

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

IN THE MATTER OF THE REINSTATEMENT )  
OF CANCELLED PERMIT 43789, FILED )  
TO APPROPRIATE THE WATER OF AN )  
UNDERGROUND SOURCE, IN THE COLORADO )  
RIVER VALLEY GROUND WATER BASIN, )  
CLARK COUNTY, NEVADA. )

RULING

FINDINGS OF FACT

I.

Application 43789 was filed on May 27, 1981 in the name of Emery E. Lampman, et al to appropriate 1.0 c.f.s. of water from an underground source for quasi-municipal purposes. The point of diversion is located within the NW1/4 SW1/4 Section 28, T.32S., R.66E., M.D.B.&M.

II.

Application 43789 was returned for correction to the applicants agent on July 24, 1981.

III.

An Amended Application 43789 was filed on September 28, 1981 in the name of Desert Marina, Incorporated.

IV.

Title to Permit 43789 was assigned from Emery E. Lampman, et al to Desert Marina, Incorporated by means of an Article of Incorporation, document #4631-85, filed in the State Engineer's office on January 11, 1982.

V.

Amended Application 43789 was approved and a permit in the name of Desert Marina, Incorporated was issued on August 2, 1982.

VI.

A review of the records of the State Engineer's office discloses that the record address of the applicant is 3589 Buena Vista Drive, Las Vegas, Nevada, and that neither Desert Marina Inc. or the original applicant, Emery E. Lampman, et al ever authorized any change of address.

## VII.

A notice was sent by certified mail to Desert Marina, Incorporated c/o Gemini Development; attn: Bill Mead and Gil Saenz, at 323 West Court Street, San Bernardino, California advising them that the Proof of Completion of Work and Well Log had not been filed within the time limits established in Permit 43789 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. No notice was sent to the Las Vegas address of record.

## VIII.

On November 8, 1985 Permit 43789 was cancelled for failure to submit Proof of Completion of Work.

## IX.

In a letter dated September 25, 1990, Emery E. Lampman advised the State Engineer's office that he had not been notified of the poor standing of Permit 43789. Mr. Lampman further stated that Gemini Development and Gil Saenz were not authorized to change or cancel the address or name of the Permittee.

## CONCLUSIONS

### I.

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

### II.

The Articles of Incorporation, document #4635-81, submitted to the State Engineer are not transfer documents and cannot transfer title from Emery E. Lampman, et al to Desert Marina, Incorporated. Subsequently the assignment of title between the aforementioned parties should be rendered void.

### III.

The records of the State Engineer should reflect present ownership of Permit 43789 in the name of Emery E. Lampman, et al.

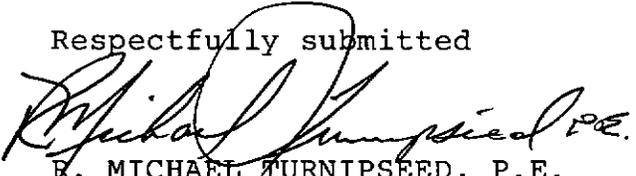
IV.

The real owner, Emery E. Lampman, et al, was not given notice of the need to file Proof of Completion of Work nor of the subsequent cancellation of Permit 43789.

RULING

The cancellation of Permit 43789 is hereby rescinded with no loss in priority and the requirement that the Proof of Completion of Work Application for Extension of Time must be received within thirty (30) days of the date of this ruling. Additionally, the ownership of Permit 43789 will be restored to Emery E. Lampman et al on the records of the office of the State Engineer.

Respectfully submitted

  
R. MICHAEL TURNIPSEED, P.E.  
State Engineer

RMT/MB/pm

Date this 30th day of  
October, 1990