

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

IN THE MATTER OF CANCELLED WATER)
RIGHT PERMIT 54621 AND WATER)
RIGHT PERMIT 54622 TO APPROPRIATE)
UNDERGROUND WATERS WITHIN THE LAS)
VEGAS ARTESIAN BASIN (212), CLARK)
COUNTY, NEVADA.)

RULING

4244

GENERAL

I.

Application 54621 was filed by Jesse Knighton on April 3, 1990, to appropriate the underground waters of the Las Vegas Artesian Basin, Clark County, Nevada. Permit 54621 was approved on September 12, 1990, for 0.046 cubic feet per second (c.f.s.) for quasi-municipal use within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 29, T.19S., R.60E., M.D.B.&M.¹ The point of diversion is identified as being located within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 29.¹ Ownership of Permit 54621 was assigned to N. Rao Yerramsetti on April 26, 1991.¹

II.

Permit 54621 was cancelled on November 30, 1992, because the permittee failed to file the Proof of Completion of Work by the date set forth in the Permit terms.¹ At the administrative hearing, held after a petition for reconsideration of the cancellation was filed, the State Engineer rescinded the cancellation and reinstated Permit 54621.¹

III.

Application 54622 was filed by Jesse Knighton on April 3, 1990, to appropriate the underground waters of the Las Vegas Artesian Basin, Clark County, Nevada. Permit 54622 was approved on September 12, 1990, for 0.046 cubic feet per second (c.f.s.) for quasi-municipal use within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 29, T.19S., R.60E., M.D.B.&M.² The point of diversion is identified as being located within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 29.² Ownership of Permit 54622 was assigned to Anita Krishna on April 26, 1991.²

¹File No. 54621, official records in the Office of the State Engineer.

²File No. 54622, official records in the Office of the State Engineer.

IV.

Permit 54622 was cancelled on November 30, 1992, because the permittee failed to file the Proof of Completion of Work by the date set forth in the Permit terms.² At the administrative hearing, held after a petition for reconsideration of the cancellation was filed, the State Engineer rescinded the cancellation and reinstated Permit 54622.¹

FINDINGS OF FACT

I.

The State Engineer finds that Proof of Beneficial Use of the waters under Permits 54621 and 54622 were due to be filed in the Office of the State Engineer on or before October 12, 1995.^{1,2}

II.

The State Engineer finds that on May 25, 1995, notice was sent by certified mail to N. Rao Yerramsetti regarding Permit 54621 advising him that the Proof of Beneficial Use had not been filed in the Office of the State Engineer within the time limit established in the Permit.¹ The notice stated that the Proof of Beneficial Use or an affidavit requesting an extension of time to file the Proof had to be filed in the Office of the State Engineer within thirty days from the date of the Notice or the Permit would be cancelled.¹ The return receipt for N. Rao Yerramsetti (Permit 54621) for the certified mail was received in the Office of the State Engineer.¹

III.

The State Engineer finds that on May 25, 1995, notice was sent by certified mail to Anita Krishna regarding Permit 54622 advising her that the Proof of Beneficial Use had not been filed in the Office of the State Engineer within the time limit established in the Permit.² The notice stated that the Proof of Beneficial Use or an affidavit requesting an extension of time to file the Proof had to be filed in the Office of the State Engineer within thirty days from the date of the Notice or the Permit would be cancelled.²

or before October 12, 1995.² However, on the front cover of File No. 54622 it was indicated in error that Proof of Beneficial Use was due to be filed on or before May 21, 1995.²

IX.

The State Engineer finds because of the record keeping error, notices were incorrectly sent to the permittee and Permits 54621 and 54622 were erroneously cancelled.

CONCLUSIONS OF LAW

I.

The State Engineer has jurisdiction over the subject matter of this action and determination.

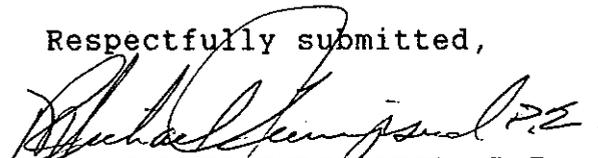
II.

The State Engineer concludes that the noticing error requires that the cancellation of Permit 54621 and 54622 be rescinded and that both permittees be renoticed of their failure to comply with the terms of their permits.

RULING

The cancellation of Permit 54621 and Permit 54622 is hereby voided with no loss in priority. A new final notice regarding compliance with the permit terms will be sent to the permittees.

Respectfully submitted,


R. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/SJT/ab

Dated this 7th day of
November, 1995.

IV.

The State Engineer finds that on August 4, 1995, notice was resent by certified mail to Anita Krishna (Permit 54622) as the return receipt from the May 25, 1995, notice had not been received in the Office of the State Engineer.² The return receipt from the second mailing was received in the Office of the State Engineer.²

V.

The State Engineer finds that Permit 54621 was cancelled on July 20, 1995, for failure to comply with the Permit terms by filing the required Proof of Beneficial Use or an application for extension of time to file said Proof.¹ The notice of cancellation sent by certified mail to the permittee was returned to the Office of the State Engineer as unclaimed, with the notice resent to the permittee by regular mail on August 10, 1995.¹

VI.

The State Engineer finds that after review of File No. 54621 an error was made in record keeping as to the date that Proof of Beneficial Use was due to be filed in the Office of the State Engineer. Pursuant to the Permit terms, Proof of Beneficial Use was actually due to be filed in the Office of the State Engineer on or before October 12, 1995.¹ However, on the front cover of File No. 54621 it was indicated in error that Proof of Beneficial Use was due to be filed on or before May 21, 1995.¹

VII.

The State Engineer finds that Permit 54622 was cancelled on October 16, 1995, for failure to comply with the Permit terms by filing the required Proof of Beneficial Use or an application for extension of time to file said Proof.²

VIII.

The State Engineer finds that after review of File No. 54622 an error was made in record keeping as to the date that Proof of Beneficial Use was due to be filed in the Office of the State Engineer. Pursuant to the Permit terms, Proof of Beneficial Use was actually due to be filed in the Office of the State Engineer on