

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

IN THE MATTER OF CANCELLED PERMIT 59105)
FILED TO APPROPRIATE THE PUBLIC WATERS)
OF AN UNDERGROUND SOURCE WITHIN THE)
WINNEMUCCA SEGMENT GROUNDWATER BASIN)
(70), HUMBOLDT COUNTY, NEVADA.)

RULING

4354

GENERAL

I.

Application 59105 was filed by David L. and Deborah M. Sant on August 6, 1993, to change the point of diversion and the place of use of the underground waters heretofore appropriated under Permit 25981, Certificate 8603. Permit 59105 was approved by the State Engineer on January 4, 1995, for 0.468 cubic feet per second for irrigation purposes within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 21, and the SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, and the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 20, all within T.36N., R.38E., M.D.B.&M. The Proof of Completion of Work was to be filed in the Office of the State Engineer on or before March 18, 1996.¹

FINDINGS OF FACT

I.

The State Engineer finds that on March 20, 1996, notice was sent by certified mail to David and Deborah M. Sant and their agent, John H. Milton, advising them that the Proof of Completion of Work had not been filed within the time limits established in Permit 59105 and said permit was in poor standing and subject to cancellation. The notice stated that the Proof of Completion of Work or an Application for Extension of Time 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

¹File No. 59105, official records of the Office of the State Engineer.

II.

Permit 59105 was cancelled on May 3, 1996, for failure of the applicant to comply with the permit terms by filing the required Proof of Completion of Work, or an Application for Extension of Time to file said proof.¹ The State Engineer further finds that an original deed was received in this office on September 12, 1994, from Desert Mountain Surveying to transfer ownership of Permit 59105 to Humboldt County, and that on that basis Humboldt County could be considered as having a sufficient interest in this matter to have warranted notice of the cancellation. However, Humboldt County was not sent notice of the cancellation. The State Engineer finds that Permit 59105 was cancelled without notice of the cancellation being sent to all parties with an interest in this matter.

CONCLUSIONS

I.

The State Engineer has jurisdiction over the parties and the subject matter of this action and determination.²

II.

The cancellation procedure established by the Division of Water Resources requires that all parties with sufficient interest in a matter be notified with regard to matters concerning the permit. The State Engineer concludes that the requirement of notice to all parties with an interest in this matter was not properly met when Humboldt County was omitted from the final notice mailing. The State Engineer further concludes that Permit 59105 was cancelled in error as a result of this oversight.

²NRS 533 and 534.

RULING

The cancellation of Permit 59105 is hereby rescinded with no loss in priority. A new final notice regarding compliance with the permit terms will be re-sent to all parties with an interest in this matter.

Respectfully submitted,


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

RMT/LBS/bk

Dated this 16th day of
May, 1996.