

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

IN THE MATTER OF CANCELLED PERMIT 43549)
FILED TO APPROPRIATE THE PUBLIC WATERS)
OF AN UNDERGROUND SOURCE WITHIN THE)
LAS VEGAS VALLEY GROUNDWATER BASIN)
(212), CLARK COUNTY, NEVADA.)

RULING

4361

GENERAL

I.

Application 43549 was filed by Daniel M. Lorenzo and Grace A. Lorenzo on April 16, 1981, to appropriate the underground waters of the Las Vegas Valley Groundwater Basin, Clark County, Nevada. Permit 43549 was approved on February 9, 1982, for 0.02 cubic feet per second (cfs) for quasi-municipal purposes within the NE ¼ SW ¼ of Section 26, T. 19S., R. 60E., M.D.B.&M. Pursuant to the permit terms, the proof of beneficial use was to be filed in the Office of the State Engineer on or before March 9, 1985.¹

FINDINGS OF FACT

I.

The State Engineer finds that on March 13, 1996, final notice was sent by certified mail to Daniel M. and Grace A. Lorenzo and their agent, Russell Avery, advising them that the proof of beneficial use had not been filed within the time limit established in Permit 43549 and said permit was in poor standing and subject to cancellation. The notice stated that the proof of beneficial use 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

II.

The State Engineer finds that Permit 43549 was cancelled on May 3, 1996, for failure of the applicant 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

¹File No. 43549, official records of the Office of the State Engineer.

III.

The State Engineer finds on March 28, 1996, an application for extension of time for filing proof of beneficial use under Permit 38568 was received in the Las Vegas Branch Office of the State Engineer from Daniel M. and Grace A. Lorenzo. The State Engineer further finds that the permittees inadvertently put Permit 38568 on the submitted application for extension of time when it was their intention that the extension be filed for Permit 43549.

CONCLUSIONS

I.

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

II.

The State Engineer concludes that the permittee inadvertently identified Permit 38568 on the submitted application for extension of time to file proof of beneficial use rather than the intended Permit 43549, and that said application for extension of time was filed within the time allotted in the final notice to file proof of beneficial use or an application for extension of time under Permit 43549.

III.

The State Engineer concludes that the requirement for filing proof of beneficial use or an application for extension of time was received within the time limit allocated. The State Engineer further concludes that Permit 43549 was cancelled in error as a result of the permittees' mistake in identifying the permit number.

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²NRS Chapters 533 and 534.

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The cancellation of Permit 43549 is hereby rescinded with no loss in priority.

Respectfully submitted,



R. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/LBS/sc

Dated this 13th day of

June 1996.