

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

IN THE MATTER OF CANCELLED PERMIT)
59214 FILED TO CHANGE THE POINT OF)
DIVERSION, PLACE OF USE AND MANNER)
OF USE OF A PORTION OF THE PUBLIC)
WATERS OF AN UNDERGROUND SOURCE)
WITHIN THE LAS VEGAS ARTESIAN)
GROUNDWATER BASIN (212), CLARK)
COUNTY, NEVADA.)

RULING

4367

GENERAL

I.

Application 59214 was filed on September 3, 1993, by John F. and Kathleen A. Ward to change 0.0044 cubic feet per second (c.f.s.) of the underground waters heretofore appropriated under Permit 56795 within the Las Vegas Artesian Groundwater Basin, Clark County, Nevada. Permit 59214 was approved on April 29, 1994, for 0.0044 cubic feet per second (c.f.s.) not to exceed 0.326 million gallons annually for quasi-municipal purposes within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 31, T.19S., R.60E., M.D.B.&M. Pursuant to the permit terms, the Proof of Completion of Work was to be filed in the Office of the State Engineer on or before March 1, 1996.¹

FINDINGS OF FACT

I.

That State Engineer finds that on April 18, 1996, a final notice was sent by certified mail to John F. and Kathleen A. Ward advising them that the Proof of Completion of Work had not been filed within the time limit established in Permit 59214 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. 59214, official records of the Office of the State Engineer.

II.

The State Engineer finds that Permit 59214 was cancelled on May 31, 1996, for failure 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

III.

The State Engineer finds that a Proof of Completion of Work was received on March 28, 1996, from John F. and Kathleen A. Ward for Permit 56795. The State Engineer further finds that the permittees inadvertently put Permit 56795 on the submitted proof of Completion of Work when it was their intention that the proof be filed for Permit 59214.

CONCLUSIONS

I.

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

II.

The State Engineer concludes that the permittees had inadvertently identified Permit 56795 on the submitted Proof of Completion of Work rather than the intended Permit 59214, and that said Proof of Completion of Work was filed within the time allotted in the final notice to file the Proof of Completion of Work.

III.

The State Engineer concludes that the requirement for filing of Proof of Completion of Work was received within the time limit allocated. The State Engineer further concludes that Permit 59214 was cancelled in error as a result of the permittees' mistake in identifying the permit number.

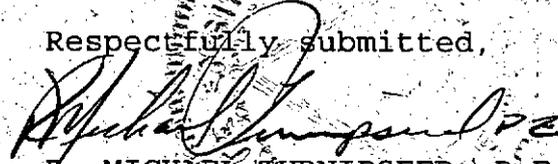
²NRS Chapters 533 and 534.

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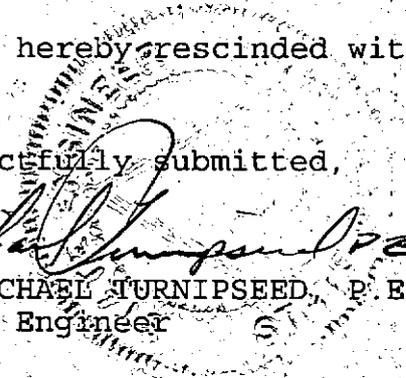
RULING

The cancellation of Permit 59214 is hereby rescinded with no loss in priority.

Respectfully submitted,



R. MICHAEL TURNIPSEED, P. E.
State Engineer



RMT/LBS/bk

Dated this 2nd day of
July, 1996.