

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

IN THE MATTER OF CANCELLED PERMIT)
54519 FILED TO APPROPRIATE THE)
PUBLIC WATERS FROM AN UNDERGROUND)
SOURCE WITHIN LAS VEGAS ARTESIAN)
GROUNDWATER BASIN (212), CLARK)
COUNTY, NEVADA.)

RULING

4436

GENERAL

I.

Application 54519 was filed on March 9, 1990, by Ivan Tippetts to appropriate 0.1 cubic feet per second from the Las Vegas Artesian Groundwater Basin for quasi-municipal purposes for four single-family dwellings within the N $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 9, T.19S., R.60E., M.D.B.&M. The point of diversion is described as being located within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 9.¹

II.

Permit 54519 was granted on January 18, 1991, and under the terms of the permit Proof of Beneficial Use of the waters was due to be filed in the Office of the State Engineer on or before February 18, 1996.¹

FINDINGS OF FACT

I.

Notice was sent by certified mail dated February 22, 1996, that the permittee had not complied with the terms of the permit in that the Proof of Beneficial Use of the water had not been filed in accordance with the permit terms. The permittee was given 30 days in which to file the required documentation. The endorsed receipt for the certified mailing was received in the Office of the State Engineer on February 29, 1996. The State Engineer finds that no documentation was filed in response to the notice of non-compliance with the permit terms.

¹File No. 54519, official records of the Office of the State Engineer.

II.

Permit 54519 was cancelled by the State Engineer on May 3, 1996, after the permittee failed to timely file the Proof of Beneficial Use of the waters as required under the terms of the permit. The State Engineer finds that in accordance with NRS 533.395 a petition for review of the cancellation was timely filed in the Office of the State Engineer by Ivan Tippetts.

III.

As provided in NRS 533.395, on July 10, 1996, the State Engineer sent notice by certified mail of a public hearing set for August 23, 1996, at the Southern Nevada Branch Office of the State Engineer, on the petition for review of the cancellation. The return receipt for the certified mailing was received in the Office of the State Engineer. The State Engineer finds that the petitioner did not appear at the scheduled hearing.

CONCLUSIONS OF LAW

I.

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

II.

NRS 533.410 requires that the State Engineer shall cancel a permit if the permittee fails to timely file Proof of Beneficial Use of the waters. The State Engineer concludes that the petitioner did not appear at the time and place scheduled for the review of the cancellation; therefore, no evidence or testimony was presented which would support the State Engineer modifying or rescinding the cancellation.

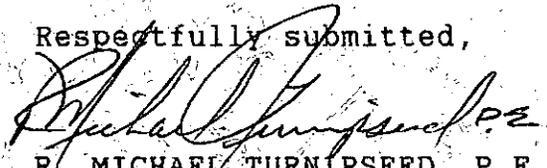
²NRS Chapters 533 and 534.

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The cancellation of Permit 54519 is affirmed.

Respectfully submitted,



R. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/SJT/ab

Dated this 24th day of

September, 1996.